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International Court of Justice

File II I

Official transcript of the International Military Tribunal in the matter of The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany on 2 April 1946, 1000-1300 hours, Lord Justice Lawrence presiding.

SIR DAVID MAXWELL-FYFE: My Lord, Your Lordship will have noticed that I did not deal with the question of Jews. That will now be taken up by my learned friend, M. Faure, of the French Delegation.

DR. KAUFFMANN (Counsel for defendant Kaltenbrunner):

Mr. President, may I say a few words on an important question? Yesterday a map was discussed here, the map which is now visible in Court. From that map the Prosecution drew the conclusion that a large number of concentration camps were distributed all over Germany. The defendants are contradicting that statement energetically. My client, Dr. Kaltenbrunner, is going to try to prove that only very few of these red spots are correct. I would like to say that right now, so that during subsequent cases the impression will not be created again and again that that map is correct.

THE PRESIDENT: Dr. Kauffmann, this is only a reproduction of what has already been put in evidence.

DR. KAUFFMANN: Yes, but I am at liberty, am I not, to prove the contrary?

THE PRESIDENT: Of course you are, but it is not necessary for you to say so now. The fact that the evidence was put in by the Prosecution at an earlier date, of course, gives you every opportunity to answer it, but not to answer it at this moment.

JOACHIM VON RIBBENTROP (Resumed)

CROSS EXAMINATION (Continued)

BY M. FAURE:

Q. Defendant, as Minister for Foreign Affairs, you were the head of the diplomatic personnel, were you not?

A. Yes.

Q. The personnel followed your instructions, did they not?

A. Yes.

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Q. You declared yesterday that you were responsible for the acts of your subordinates?

A. Yes.

Q. Would you please indicate to me if Dr. Best, Plenipotentiary on Denmark, was a member of your Ministry.

A. Yes.

Q. Dr. Best told you, did he not, that Hitler had given an order to assassinate Danes when there were acts of sabotage?

A. May I ask you to repeat the question?

Q. Dr. Best, according to the documents that were produced before the Tribunal, saw you on 30 December 1943 and told you that Hitler had given the order to assassinate Danes when there were acts of sabotage in Denmark; is that so?

A. Yes, that was to be done against saboteurs. That was the order.

Q. The order, according to the terms employed by Dr. Best in the document was to execute without judgment persons, terrorists or non-terrorists. Can that not be considered as assassination?

A. From the beginning Dr. Best and I opposed the hostile measures.

Q. Defendant, I am not trying to say that you were pleased with this state of affairs. I am merely asking you if you were informed thereof. Is that correct?

A. Yes, the Fuehrer wanted that; that is true. I do not know details. I protested against it strongly with the Fuehrer. What was ordered afterwards I do not know because it went through another department, as far as I know.

Q. I note that you were really informed of the Fuehrer's order given that day to permit assassination. You therefore considered it normal to belong to a government, the head of which was a murderer.

A. No, exactly the contrary is true, Prosecutor. Exactly the contrary. I have told him that I was against these measures and that I was of the opposite opinion. Consequently, the Fuehrer was most dissatisfied with Dr. Best, and he had the matter handled by some other sources, since Dr. Best opposed the matter, and I opposed it, too.

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Q. I am merely asking you to answer my question simply. You can give details through your Counsel later.

Talking of Denmark, there was action against the Jews in that country in order to deport them. Did you not have anything to do with that?

A. I can not tell you anything about the matters relating to Jews in Denmark.

Q. You never heard anything about them, did you?

A. I can recollect that I once discussed the question with Best and that this question had no significance. He was not proposing to do anything violent about the Jewish question there, and I agreed.

Q. I ask that you be shown Document 2375-PS.

M. FAURE: This document has not been submitted to the Tribunal. I would like to submit it under French Number 1503.

Q. I would like to read with you the second paragraph of that document. It is an affidavit from a commander of the Police in Denmark.

"As command, I was subordinate to Dr. Best. In the matter of Jews, I asked Dr. Best to give me the reasons for the measures that were ordered. Dr. Best declared to me that the Minister for Foreign Affairs of the Reich obviously knew Hitler's intention to exterminate the Jews in Europe. He had furnished to Hitler a report about the Jewish problem in Denmark and presented his observatio: thereon.

"Dr. Best declared furthermore that Ribbentrop assumed the responsibility for the case of Jews remaining in Denmark. Dr. Best also had to carry out the measures that were proposed to Hitler by Ribbentrop. I was therefore to get in touch with Dr. Best --"

A That is absolute and complete imagination, what is written in this document. That is perfectly untrue.

Q I would then ask that you be shown document 3688-PS, which I wish to deposit under the French number 1502. It is an order of the 24 September 1942 from Hitler, addressed to his collaborators. I wish to read with you the first two paragraphs of that document.

"The Minister for Foreign Affairs has instructed me today by telephone to hasten as much as possible evacuation of Jews from different countries in Europem since it is certain that Jews incite against us everywhere and must be made responsible for acts of sabotage and attacks. After a short lecture on the evacuations now in process in Slovakia, Croatia, Rumania and the occupied territories, the RAM has ordered that we are to approach the Bulgarian, Hungarian and Danish Governments with the goal of getting the evacuation started in these Countries."

I suggest that this second document confirms the first as regards your participation in the deportation of Jews in Denmark. Do you agree?

A It is correct. It was the Fuehrer's plan at the time that the Jews should be sent to North Africa from Europe to Asia. They were to be evacuated, and he had given me the order to approach several governments so as to bring about an emigration of the Jews, if possible, and to have the Jews removed from important government posts. Such instructions were given by me to the Foreign Office at the time, and according to my recollection, on several occasions certain governments have been approached. This concerns the emigration of Jews to certain parts in North Africa, that is true. May I return once more to that affidavit? That is utter and complete imagination and perfectly incorrect on the part of Colonel Mildner.

With reference to Denmark, the position was that on one occasion Best discussed the Jewish question with me, and he considered that as far as Denmark was concerned, it was of no particular importance, since there were so few Jews. I declared that he would have to leave things alone there. That is the truth.

Q You admit therefore that this document signed by Luther is correct and that you did give the order to evacuate the Jews of Denmark?

A No, I have just said no, not in Denmark. I don't know that document originally was Mr. Luther's.

Q Please answer my questions; otherwise we waste a lot of time.

Do you say that both of these documents are incorrect?

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Q Please answer my questions; otherwise we waste a lot of time.

Do you say that both of these documents are incorrect?

A I didn't say that. That is not true. What I said was that I didn't know the Luther document, but what is true is that the Fuehrer gave instructions to me that I was to tell the Foreign Office to approach certain foreign governments in order to solve the Jewish question in such a way that they were to be removed from government positions, and that wherever possible an emigration of Jews should be favored.

Q The German Embassy in Paris was under your orders, was it not?

A The German Embassy in Paris--that is, the ambassador to the Vichy Government, was certainly under my jurisdiction.

Q That is all about that.

French Document 1061 has already been produced, and in this document you defined the functions of Ambassador Abetz. In this document, which you have already heard twice, I would remind you that you gave Abetz permission to put in a sure place the public and private art treasures, particularly those that belonged to Jews, and you laid down various conditions relating thereto. Abetz executed this mission by pillaging art collections in France?

A No.

Q I would ask that you be shown Document 3766-PS, which has not yet been produced, and to which I should like to give the French number 15055. I will merely go over a few lines of that document with you. It is a report from the military administration which was distributed to 700 numbers. It is a report on the removal of French art objects by the German Embassy in France. If you will look at page No. 3a, you will see that the title in the margin is very significant: "The German Embassy right to remove articles of art from the Louvre."

A When may I refer to the individual points? Not at all or what?

Q When I ask you a question you will answer. I am reading a passage to you "Therefore Ambassador Abetz undertook, violating the prohibition pronounced by the military authorities to send to Germany"--

A I can't find the part you are reading. What page is it on?

Q Page 4, on the top of the page.

A Now I can find it.

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Q "Ambassador Abetz undertook, thereby violating the prohibition pronounced by the military authorities, to send to Germany a whole series of articles from the Louvre which had been placed in security."

A No, I want to say this: This is perfectly untrue. Not a single work of art has been taken out of the Louvre by Ambassador Abetz. That would have been contrary to my distinct orders and it would have been against the Fuehrer's wishes, and he had prohibited it strictly. In other words, in this point the report is completely incorrect.

May I mention in this connection that on one occasion the French Government wanted to present me with a work of art from the Louvre. That was a painting by Bouchet. That painting was in fact sent to Berlin on the occasion of my Birthday and I returned it to the French Government. That is all I know about art treasures from the Louvre. I don't own any of them and the Foreign Office never saw a single work of art originating from the Louvre.

THE PRESIDENT: What is this report you are putting to him?

M.FAURE: It is a report from the German Military Administration, which is in the American documents in the PS series. The Tribunal received a general affidavit referring thereto. It is an American document. I indicate to the Tribunal that this report contains numerous other passages relating to Abetz's actions, but as the defendant declares that the report is inexact as regards one of its passages, I shall not continue reading the document, in order to save time.

THE WITNESS: This isn't a report on booty, that document.

BY M. FAURE:

Q Please answer my questions. We are not going to engage in a controversy. Your counsel can interrogate you later on.

DR.HORN: (counsel for defendant Ribbentrop): Please may I clarify just what we are concerned with in connection with the documents which are being submitted to the defendant? If it is said this is a captured document and it is not, then it has to be put right here and at once.

MR. FAURE: I have already indicated that these documents belong to the PS series of captured documents. The document has a large number of such documents and I do not think that its authenticity will be disputed.

BY M. FAURE:

Q I would like to ask you now the following question:

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BY M.FAURE:

Q I would like to ask you now the following question:

THE PRESIDENT: Are you going to ask further questions upon this document?

M. FAURE: No, Mr. President. Apart from the question of art treasures, Abetz also looked after the question of treatment of Jews.

A He had not any such order, and as far as I know he had nothing to do with the Jewish question of France either. That question was being handled by other departments.

Q Is it not true that in October 1940 Abetz communicated with you with a view to settling the situation of German or Austrian descent who were residing in France?

A I don't know and I can't recollect it.

Q I would like to show you Document BG 265 (?), which I ask to lodge as French document 1504. It is a telegram from Abetz dated 1 October 1940. I will read merely the first and last pages.

"The solution of the Jewish problem in the occupied territory of France requires besides various measures a regulation as soon as possible of the citizenship status of the Reich German Jews who were living here at the beginning of the war."

And the last page:

"The measures proposed here above are to be considered as merely the first step towards the solution of the entire problem. I reserve to myself to make other proposals."

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A May I please ask to be given time to read that telegram first?

THE PRESIDENT: That is a little too fast.

M. FAURE: Yes.

A (Continuing) So far as I can see, this telegram is concerned with the fact that Austrian and German Jews should be transported from France to Germany. I don't know anything about it. I am seeing this telegram for the first time today, and I can't give you any information on it. This is probably one of the measures taken in the ordinary course of work at the Foreign Office, which, however, was not submitted to me. Apart from that, these matters were dealt with by other departments and not by us.

Q If you will look on the left-hand side of the telegram, you will see the distribution list. There were nineteen, including yourself, is that not so? You were number 2.

A May I tell the French Prosecutor that every day five, six, seven or eight hundred such documents and telegrams reached my office, of which one or two percent were submitted to me. At any rate, I don't know this telegram.

Q Apart from the question of Jews of German or Austrian origin, you collaborated with your subordinates at that Embassy and also looked after the question of French Jews.

Now, before asking you a question, I would like to read to you two sentences from a document which was deposited before the Tribunal as French document number 1207. It is a report from Dannecker, who was charged with the Jewish affairs in France. This is what is said by Dannecker in his conclusion.

"In this matter, I cannot speak of this question without mentioning the friendly collaboration that is given to us by Ambassador Abetz and his representative Schleier, and Dr. Weitschel, Consul of the Embassy. I should like to make it clear that the German Embassy in Paris furnished, of its own initiative, large sums of money in this matter of the Jews, and that it will continue."

It results therefore from this document--

THE PRESIDENT: Mr. Faure, we don't know where you are reading from.

M. FAURE: Mr. President, this document was not given to you in full

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in this folder because it was already produced before the Tribunal. I merely wish to read the phrase that I have been reading.

THE PRESIDENT: All right.

BY M. FAURE:

Q It arises therefore, from this document, that three officials of the German Embassy--Abetz, Schleier and Weitschel-- collaborated with Dannecker in the settlement of Jewish affairs. That does arise from the document, does it not?

A Is that a question? Am I supposed to answer that? I don't know.

Q It is a question.

A To that question I must answer "certainly". Certainly, in some way, we collaborated in the Jewish question in France, that is perfectly clear. However, I can also add to that that the French Prosecution must certainly be informed about the fact that Ambassador Abetz was instructed by me, and also acted on his own accord, to alleviate that situation. Whatever the Embassy may have done in this respect, and just how it participated, for that, of course, I have to assume responsibility. But I want to repeat once again that my instructions and the activities of Ambassador Abetz were always to the contrary. It is perfectly clear that because of the principle, or the anti-Semitic tendency of German policy, this would spread to all departments, and that, of course, in some sphere or other, every department would come in contact with these matters.

The task of the Foreign Office--which could be proved in thousands of cases if we had the files here--was to act as an intermediary in this sphere. Quite often we had to act with the anti-Semitic policy, but we always tried afterwards to retrieve these steps and to alleviate the difficulties. In fact, so far as France is concerned, the Foreign Office does not bear the responsibility for any measures against the Jews.

THE PRESIDENT: Could you speak a little bit lower, or a little bit away from the microphone?

THE WITNESS: Yes, certainly.

BY M. FAURE:

Q I would like to draw your attention to another document, number 1210--a French document--which is a second report from Dannecker of the 22nd of

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February, 1942. I should like to refer to page 3 of that document.

A I should like to say right now that I don't even know who Dannecker is. Perhaps you can give me some information on that subject.

Q I indicated to you that Dannecker was the person charged with Jewish affairs in France. As a matter of fact, these documents were deposited a long time before with the Tribunal and communicated to the defense.

At page 3 of the document--which is page 2 of the German--there is a particular paragraph entitled, "Action", from which I read one sentence: "Up to the present, three important operations have been undertaken against the Jews."

A May I ask you once more where I can find that part, on what page?

Q Page 2 of the German version, under the heading "Action".

A Yes, I have found it.

Q I read once more: "Up to the present three important operations have been carried out against the Jews in Paris."

Now, if you will look at the last page of the document, the last paragraph but one, we read as follows: "Since the year 1941 there has been a conference every Tuesday, One, two, and three, military commands; four, German Embassy; five, a representative of Rosenberg. The conference has, as a result, with very few exceptions, naturally, referred to the matters concerning Jewish policy that have been carried out in the occupied territories."

It follows, naturally, that your collaborators were mixed up with this.

A May I answer to that, that so far as I know, the outsiders that are being mentioned here--naturally, they would have included themselves in this proceeding.

Q I ask that you be shown French document 1220, which is a letter from the German Embassy of the 27th of June, 1942, addressed to the head of the Security Police and the SD in France; and before asking you a question I would like to read with you the first two paragraphs of this letter:

"Following my interview with Dannecker on the date of the 27th of June, during which he indicated that he required that 50,000 Jews of the free zone be deported to the East and that it was necessary to support the efforts

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of the Commissar, Marti de Pelpoi, where the situation appears, I informed Ambassador Abetz of this matter and Counsellor Hahn. The latter is to confer with Laval, and he promised me that he would speak to him at once about the handing over of these 50,000 Jews. Also, there is thematter of giving full powers to Marti de Pelpoi and to report to him at once as to the credits which have been promised to him."

Now, I should like to ask you a question. I ask you to answer as briefly as possible.

Were you aware of this demarche for the handing over of these 50,000 Jews?

A No, I was not, and it was here for the first time that I heard about it, when this document was read out before.

Q If your collaborators Abetz, Hahn, and Weitschel made visits on this subject without informing you, was it not because they thought they were following your general directives?

A No, I don't believe so. They were acting rather independently in Paris, but I would like to repeat that I am assuming responsibility for everything that these gentlemen have done. I want to repeat that and make it clear. However, I knew nothing about this matter regarding 50,000 Jews, and I don't even know whether it was carried out; and just where and when these men included themselves in the proceedings is not clear from the letter.

I only know one thing, and that is that my general instructions were to mark time regarding these matters, and I made my conception clear to the men under me and told them not to do anything to force matters, but, on the contrary, to keep them down. I cannot say more on the subject.

Q During the interrogation of your witness Steengracht, the British public prosecutor produced a document, 3319-PS, under the British number 287. I should like to refer to this document briefly for one question. In this document there is an account of a meeting, or a congress, at which were present all the reporters on Jewish questions in Europe. This congress was held on the 3rd and 4th of April, 1944. It was organized by Schleier, Did you know anything about this congress?

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A. No. This is the first time I have heard about it. What sort of congress is that? I have never heard that it took place. What is it supposed to be?

Q. This document was deposited --

A. I only know about one congress. I asked the Fuehrer not to hold it. But about one which took place I know nothing at all. I should like you to give me some more detailed information on that, please.

Q. The document was handed over to the Tribunal, and I would like to ask you one question. You testified that you were unaware of this meeting where there were present thirty-one persons who nearly all belonged to the diplomatic service. I will indicate to you that during this meeting the counsellor of the embassy made a declaration which was reported in the following terms: that the Jews should be deported into the eastern territories. I suggest that this declaration made by the counsellor of the embassy in the presence of 31 people belonging to your service probably voiced your own attitude on these matters.

A. I don't even know what you are referring to. Please, may I have some information regarding what we are concerned with? I am not the least informed. I have already told you once before that I know nothing about a congress except that there was one which I stopped. That was an international one which was supposed to be held, but regarding a congress of diplomats I know nothing. Please would you place at my disposal the document so that I can define my attitude.

Q. I do not intend to show you this document. I read one sentence contained in this document, and I now am asking you merely if this phrase represent your opinion or not. You can answer yes or no.

A. In that case I want to state again that there wasn't a congress; it didn't take place; it isn't proced.

DR. HORN: Mr. President, I object to that question if the opportunity is not afforded the Defendant to give a thruthful answer.

THE PRESIDENT: The Tribunal thinks the question was proper.

Q. I ask you whether this phrase which I have read out to you reflects your opinion.

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A. In that case may I ask you to repeat the sentence. I didn't understand it.

Q. The speaker said that while the solution of Jewish matters in Palestine and several other ones would have to be thrown out, one would have to carry out the deportation of Jews in the eastern territories. Was that your policy?

A. No, it was not.

Q. Your attention was drawn to the fact that the Italian authorities in France protected Jews against persecution by Germans?

A. Yes. I recollect that there was some such matter, but I don't remember exactly.

Q. Did you take any steps about the result of this with the Italian Government?

A. I recollect that on one occasion I talked with either Mussolini or Count Ciano about certain sabotage acts which had occurred in France and that one would have to be on the alert. And I think in that connection the Jewish problem was discussed too.

Q. I ask that you be shown Document D-734, which I would like to deposit as French document 1501. This note is headed:

"Note of a conversation between the Reich Foreign Minister and the Duce in the presence of Von Mackensen, Alferi and Bastianini on the 25th of February 1943." I would like to read with you the second paragraph on this page:

"Further, the Reich foreign minister dealt with the Jewish question. The Duce was aware that Germany took up a radical position on the question of the treatment of Jews. As a result of the development of the war in Russia it had gained even greater clarity. All Jews had been transported from Germany and from the territories occupied by her to reserves in the east. He, the Reich foreign minister, knew that this measure was described as cruel, particularly by enemies, but it was necessary in order to be able to carry the war through to a successful conclusion."

I shall not read the following paragraph, but the fourth:

"France also had taken measures against the Jews, which were extremely

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useful. They were only temporary, because here too the final solution would be in the deportation of the Jews to the East. He, the Reich Foreign Minister, knew that in Italian military circles -- just occasionally among German military people too-- the Jewish problem was not sufficiently appreciated. Only this could he understand an order of the Commands Supreme which cancelled measures in the Italian occupation zone of France which had been taken against the Jews by the French authorities acting under German influence.

"The Duce contested the accuracy of this report and traced it back to the French tactics of causing dissension between Germany and Italy."

Now I shall ask you a question: A short while ago you told us that one wanted to send all the Jews to Madagascar. Is Madagascar in the eastern territories you are talking of?

A. I didn't understand. Madagascar what?

Q. You were talking in this document of deporting Jews towards the eastern territories, and a short while ago you spoke to us of settling the Jews in Madagascar.

A. No. That was the Fuehrer's plan. This document refers to the fact that a large-scale espionage system had been uncovered in France, and on the occasion of a journey into Italy the Fuehrer told me to talk with Mussolini and make sure that these Jews who concerned themselves with espionage and sabotage were stopped from doing so. I should like to say right away that on priniple I know what the Fuehrer's plan was, namely, that the European Jews were either to be resettled in Madagascar or in Africa or in the East. That was generally known in Germany. That is what we are concerned with here in this document. I know that at that time a lot of unpleasant matters had occurred, and the Fuehrer was convinced that this had to be attributed to Jewish organizations which were located in southern France. I now recollect that at that time I discussed the matter very minutely with Mussolini and that we agreed to take corresponding measures. These Jews were helping the American and British intelligence service and supplying information to them. At least that is what the Fuehrer was continuously told.

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Q. You said, did you not, that all Jews had to be deported to the eastern territories? Please reply yes or no.

A. Whether I was in favor?

Q. Germany deported from German territory and territories occupied by her all Jews to eastern territories. That is true, is it not?

A. I don't know what this document is. I don't know what I did say in detail. But at any rate I knew that the Fuehrer had ordered that the Jews of the occupied territories in Europe were to be transported to a certain district in the east where they were to be settled. I knew that. But the carrying out of these measures was not my task as foreign minister or the task of the foreign office. But I did know that this was the Fuehrer's wish. In this connection I do remember that I received the order from his to discuss the matter with the Italian Government so that they too would introduce corresponding measures regarding the Jewish problem. That applied to other countries too, where we had to send telegrams quite frequently, so that these countries did solve the Jewish question.

THE PRESIDENT: Did you read to the witness the second paragraph beginning "Further, the Reich Foreign Minister dealt with the Jewish question"? Did you read that to the witness?

M. FAURE: Yes, Mr. President, the second paragraph. That is the paragraph which I have just been reading.

THE PRESIDENT: Well, you read the third one, but I don't know whether you read the second one too. You read the second one too, did you? Very well.

M. FAURE: Yes, I read it as well, Mr. President.

THE PRESIDENT: The document is a new document, is it not?

M. FAURE: Yes, it is a new document. It is a document which I would like to deposit under the number 1501. It is originally D-734 of the British document books.

THE PRESIDENT: Has the Defendant said whether he admist that it is a substantially accurate account of the conversation?

THE WITNESS: I can't say for certain, Mr. President, what I did say at the time, but I gather that, from the words that the Jews were spreaders of

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information -- I do remember that a large espionage and sabotage organization was going at the time in France, and that the Fuehrer ordered me in this connection to talk to Mussolini, since the Italians were working against certain measures we had introduced in France. So I talked with Mussolini, and the Fuehrer was of the opinion that one would have to create clear conditions.

THE PRESIDENT: I believe you already told us that. The question that I asked was whether you agreed that it was a substantially accurate account of the conversation.

THE WITNESS: I consider that in certain points the report is incorrect, but basically the position was as I have just explained it.

BY M. FAURE:

Q Now, then, you also spoke about this question with Horthy, did you not, this Jewish question?

A Yes. I had to have repeated conferences with the Hungarian Government to get them to do something about the Jewish problem. The Fuehrer was extremely keen on it. So I talked about the question to the Hungarian Ambassador at a time when we mostly were concerned with the fact that in a certain part of Budapest, which I don't know very well, the Jews were to be concentrated somewhere. That was Point 1.

Point 2 was that the government departments were to be cleared of them, since in the preceding years it had become clear that Jewish influence was decisive here to bring Hungary to a separate peace.

Q The document has already been produced relative to your conversation or one of the conversations which you had with Horthy. It was that of the 17th of April 1943. It is that one numbered 736, which has been deposited under GB-283.

During the interrogation of the witness Schmidt, the British prosecutor asked this witness if he admitted having compiled this account, and this was confirmed by Schmidt. This bears the following note, at the bottom of the first paragraph:

"The Foreign Minister declared that the Jews were to be sent to concentration camps. There is no other solution."

You did say that, did you not?

A In these words, most certainly not. But I would like to say this on [illegible]ject. These minutes were apparently prepared by Ambassador Schmidt, as [illegible]habit, days after a long discussion of the Fuehrer with Horthy.

[illegible]e already said repeatedly that the Fuehrer ordered me to talk to t[illegible]rian Government, their Ambassador, so as to bring about a solution [illegible]wish question.

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At that time when Horthy visited the Fuehrer, the Fuehrer emphasized to him the question very strongly, and I remember exactly that following the discussion I talked to Ambassador Schmidt, saying that I didn't quite understand the Fuehrer.

That remark here was certainly not made in this way. Apparently Horthy said that after all he couldn't beat the Jews to death. It is possible that I said that was out of the question, andI tried to get Horthy back to the idea that he would have to do something about the Jewish question in Budapest, which means that he would have to carry out the concentration which had been desired by the Fuehere. It was probably in that connection that this remark of mine fell, and this is what it may refer to.

I want to add that at that time the situation was that on Himmler's part there had been repeated calls upon us, indicating that Himmler wished to handle the Jewish question in Hungary himself. I didn't want that, since this would probably create a foreign political difficulties.

Consequently, by wishes of the Fuehrer who was very hard in regard to that question, I have often tried to act as an intermediary, but at the same time to get the Hungarians to do something in the matter. Therefore, if some remark, which was taken from a long conversation and summarized here, did contain some such statement, then it certainly never meant that I wanted the Jews beaten to death. That was 100 per cent against my inner attitude.

Q I do not understand whether you answered my question or not. I will have to ask you again. Are those minutes correct, or are they not correct?

A No, in this form it can't be correct. These are minutes which I have never seen personally. Otherwise, I would have at once pointed out that this is nonsense and could be misunderstood, so I hadn't really seen the minutes. It was herein Nurnberg that I saw them for the first time.

I can only say that it seems to have happened that I did say "Well, you can't beat the Jews to death; well, then, do something, so that the Fuehrer is at last satisfied about it."

And about the concentration of the Jews. That was, at any rate at that time, the aim we had. In other words, we didn't want to make things

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worse there. We were trying to do something in Hungary so that no other department took matters in hand, thus causing foreign political difficulties for the Foreign Office.

Q. You knew at the time that many Jews had been deported.

THE PRESIDENT: Are you passing from this document?

M. FAURE: I was continuing to speak of this document in more general terms.

THE PRESIDENT: Did you say you were passing from it?

Well, Defendant, the Tribunal would like to know whether you did say to the Regent Horthy that Jews ought to be taken to concentration camps.

THE WITNESS: Yes, I consider that possible. I think that is the case. It was our order at the time that a concentration camp was to be installed near Budapest where the Jews could be concentrated, and the Fuehrer had given me the order a long time before that to talk about the Jewish problem to the Hungarians. There were to be two points: One, removal of the Jews from important Government positions. Two, as there were so many Jews in Budapest, there was to be a concentration of Jews in certain parts of the city of Budapest.

THE PRESIDENT: I understand your suggestion to be that this document is inaccurate.

THE WITNESS: That isn't accurate, that's right, yes. The way I would like to put it is that it appears when you read the document as if I had considered possible a beating to death or destruction of the Jews. That is perfectly untrue, for what I said on the occasion which was written down later could only be understood so that I wished that something was done in Hungary which would solve the Jewish problem so that no other department would interfere in the matter. The Fuehrer often talked to me about it, very seriously, and said that the question of the Jews in Hungary --

THE PRESIDENT: (Interposing) You have told us that, I think already. What I wanted to ask you was this: Are you suggesting that Schmidt, who drew up this memorandum, invented the last few sentences, beginning with the words:

"If the Jews there did not want to work they were shot. If they could not work they had to succumb. They had to be treated like tuberculosis bacil

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with which a healthy body may become infected. This was not cruel if one remembered that innocent creatures of nature, such as hares or deers, have to be killed so that no harm is caused by them. Why should the beasts who wanted to bring us Bolshevism be spared more? Nations which did not rid themselves of Jews perished. One of the most famous examples of this was the downfall of a people who were once so proud, the Persians, who now lead a pitiful existence as Armenians."

Are you suggesting that Schmidt invented those sentences or imagined them?

THE WITNESS: Mr. President, I should like to say that I myself was amazed by those words of the Fuehrer, and I didn't quite understand them. But this attitude can probably only be understood in this way, that the Fuehrer believed that the Jews had brought about this war, and that that caused his fanatical hatred for them.

Later on, after that conference, I talked to interpreter Schmidt, and we agreed that this was the first time the Fuehrer had used words in connection with the Jewish problem which I could no longer understand. These words were no doubt not invented by Schmidt. The Fuehrer did express himself in some such way at that time. That is true.

THE PRESIDENT: Yes, M. Faure.

BY M. FAURE:

Q. It arises from this document that you thought there were concentration camps in Hungary and that you said yesterday that you did not know there were any in Germany. Is that not so?

A I did not know that there were concentration camps in Hungary. What I said was that the Fuehrer had given me orders to talk to the Hungarian Government so that the Jews were concentrated in certain parts of the city of Budapest. About my knowledge of concentration camps in Germany, I have already talked yesterday about that.

Q. You admitted that you knew Hitler's policy to deport all Jews and you admitted that insofar as you were competent as Minister for Foreign Affairs, you assisted this policy, did you not? That is right, is it not?

A In this sphere too I have obeyed the Fuehrer's orders as a faithful follower, but I have always tried to do everything to alleviate this

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position, which can be proved by witnesses. Even in 1943 I submitted a long memorandum to the Fuehrer in which I asked him urgently to alter the Jewish policy completely and basically, and I could quote many other examples.

Q. If I understand your testimony rightly, you were morally opposed to this persecution of Jews, but you did help to realize them, is that not so?

A. I have said repeatedly, right from the beginning of my examination, that I have never been anti-Semitic in that sense, but that I was a faithful follower of Adolf Hitler.

Q. Apart from the Jewish question, you occupied yourself with arresting French people, did you not?

A. The arresting of Frenchmen?

Q. Yes. Did you or did you not give orders to arrest Frenchmen?

A. That is perfectly possible that that is so, yes.

Q. Can you be more precise on that subject?

A. No, I can't recollect any details. At any rate, I know that Frenchmen were arrested, but just how far we carried that out, that I don't know. I think it was in 1944, shortly before the invasion, that the Fuehrer had given an order that a large number of important French members of the Resistance Movement were to be arrested, and I think that we were informed about that. Therefore, it is possible that we cooperated in that action, but I can't remember the details. These were the arrests of those elements, which, in the event of an invasion, would lead the Resistance Movement, thus falling to the back of the German troops. But I can't tell you any details about that now.

Q. I ask that you be shown a document which will be deposited under Number 1506. It is an affidavit by Dr. Knochen. I shall read some passages from this document.

"At the end of 1943--it must have been in December--there was at the Foreign Office a conference on the measures to be taken in France. As I was in Berlin I was immediately summoned to it. I took part in this conference, Ribbentrop, the Secretary of State, Ambassador Abetz, another member of the Foreign Office, whose name I forget, the head of the SIPO--it must have been Kaltenbrunner--the head of the Police Department in France, and a representative of the High Military Command, a Colonel Kossman,

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if my memory serves me right. The Minister stated the following:

"The Fuehrer expects that in France particular attention be paid. All German officers will have to carry out their duties more accurately. He sees arising a danger, in event of invasion, of those prominent Frenchmen who were not collaborators with Germany becoming active against her. This will constitute a dangerous element against the forces.

"In all Ministerial University centers those people should be sought. He believes that it would be necessary to strike a blow against these people. He suggests a number of about 2,000 people. At a moment when it will be necessary to defend Europe against her enemy, there isno reason why we should not take preventive measures in France.

"As to the practical means of putting this into effect, Ambassador Abetz will have to take up this matter immediately in order to take account of all the questions that arise out of this matter."

I now ask you to say if this is accurate.

A I remember that discussion very well. This was a Fuehrer order, and it was made with reference to the pending invasion, saying that measures were to be taken which would arrest all resistance elements which would fall into the back of the German Army. I consider that a perfectly obvious measure made by any military command interested in the welfare of its troops.

I expected that there would be a very much larger wave of arrests, but in fact we carried out a comparatively small number ofarrests. We had little to do with the actual arrests which were carried out by the police, but it is perfectly clear that the conference did take place at the time, and that we carried out what had to be done at the time as was proposed, which is, in other words, the arrest of those elements which could become dangerous in case of an invasion. That is all.

M. FAURE: I have no further questions.

THE PRESIDENT: The Tribunal will adjourn.

(A recess was taken)

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THE PRESIDENT: There are two things that I want to say. One of them relates to the prosecution and one of them relates to the defense. It is desired that the prosecution should furnish documents to the interpreters when they are going to use documents in the course of examination or cross examination. Documents need not necessarily be in the language which the interpreter is going to use but there must be some document in some language, one of the languages, placed before the interpreters in order to assist.

The other point is, that I am told that the defendant's counsel are not getting their documents ready for the translation division in anything like the two weeks beforehand which was specified by the Tribunal. The Tribunal, it is true, said that the documents must be furnished to the Tribunal or the translating division two weeks ahead, if possible. These words "if possible" are b being treated too lightly and the documents, I am told, are sometimes coming in as late as forty-eight hours before the case of the particular defendant is t to be taken. That is not sufficient and it will lead to delay. That is all.

MR. DODD: May it please the Tribunal, in the course of the cross examinatio of this defendant by the French prosecution, reference was made to document PS-3766 and I understood Dr. Horn to say that the document was not a captured document. That was my understanding of his statement. I am not altogether sure that that was what he said when he approached the microphone. So the record will be perfectly clear, I now wish to inform the Tribunal that it is a captured document and I do not know upon what basis Dr. Horn made that assertio

THE PRESIDENT: Dr. Horn.

DR. HORN: Mr. President, it was claimed that a captured document was in question. However, I had no opportunity to check the matter. At the head of the document it said that we were concerned with the USA Exhibit 3766-PS. I had no opportunity to check the origin of this document and, therefore, I suggested that the French prosecution determine the origin of the document, and that was my sole objection. I did not dispute whether it was a captured document but I could not check on it.

THE PRESIDENT: Do any of the other prosecutors wish to ask questions of the defendant? Colonel Amen, the Tribunal hopes that you are not going over ground which has already been gone over.

COLONEL AMEN: Most certainly not, sir.

BY COLONEL AMEN:

Q

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BY COLONEL AMEN:

Q You speak English pretty well, Ribbentrop?

A In the past I spoke very well and I think I speak passably well today.

Q Almost as well as you speak German?

A No, that I wouldn't say, but in the past I was almost bi-lingual. In the course of years, I have forgotten a great deal and now it is quite difficult for me to speak English.

Q Do you know what is meant by a "yes man" in English?

A A "yes man"-- yes, I would consider that a man who says "yes" to things which he himself--It is a little hard for me to define because I am not exactl sure what you mean by it in English. In German I would define him as a man who obeys orders and is obedient and loyal.

Q And, as a matter of fact, you were a "yes man" for Hitler, isn't that correct?

A I was always loyal to Hitler, carried through his orders, was frequentl of a different opinion from his, had serious disputes with him, tried toresig several times, but when Hitler ordered, I always carried out his instructions.

Q Now, you were interrogated frequently by me, were you not, before this trial?

A I believe once or twice, yes.

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Q Now, I am going to read you certain questions and answers which were given in the course of these interrogations, and simply ask you to tell the Tribunal whether or not you made the answers that I read to you. That question can be answered yes or no, do you understand?

A Yes, I do.

Q "I have been a loyal man to the Fuehrer to his last days. I have never gone back on him. I have been a loyal man to his last days, last hours, and I did not always agree with everything. On the contrary, I sometimes had very divergent views, but I promised to him in 1941 that I would keep faith in him. I gave him my word of honour that I would not get him into any difficulties."

Is that correct?

A Yes, that is correct to my recollection. I did not see the document and I did not sign any document, but I seem to recall that that is correct.

Q Well, what did you mean by saying that you would not get him into any difficulties?

A I saw in Adolf Hitler the symbol of Germany and the only man who could win this war for Germany, and therefore I did not want to make any difficulty for him, cause him any difficulty, and remained loyal to him unto the end.

Q Well, what you really meant was that you were never going to cross him, and you promised him that in '41, isn't that true?

A I said I would never cause him any difficulties, yes. Sometimes I was a difficult subordinate to him. I told him at the time that I would not cause him any trouble or difficulty.

Q In '41 you told him that no matter whether you differed with his opinion in the future, you would never press the point, isn't that true?

A (No response)

Q Yes or no.

A No, not exactly that way.

Q Well, approximately that, is that right?

A No, I could not put it that way. I meant only -- if I may define my position -- that I would never cause him difficulties; if a serious divergence of opinion would appear, I would just keep back my own opinion.

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Q Well, you gave him your word of honor to that effect, isn't that true?

A Yes, that is correct.

Q And at that time you had talked about resigning, isn't that correct?

A Yes, that is true also.

Q And that made the Fuehrer lose his temper and become ill, correct?

A Yes. "Ill" isn't exactly the correct term. He became quite excited, but I prefer not to mention the details.

Q Well, he said it was injuring his health, isn't that correct, and told you to stop arguing with him about any of these questions and do what he told you to do? Right?

A As far as the close and personal reasons, I would prefer not to speak, and especially since I do not believe that they would be of vital interest here.

Q Well, I am not interested in that. I am interested only in ascertaining if it is not a fact, and if you did not swear under oath, that on that occasion you swore to Hitler that you would never expressor press any divergent views to anything which he desired. Is that not correct?

A No, that is absolutely untrue, and the interpretation is wrong. I told the Fuehrer that I would not cause him any trouble. After 1941 I had many a divergent view with him and told him about my opinions.

Q Well, whatever divergent views you had you were never able to put any of them into effect after 1941, were you?

Yes or no.

A I didn't understand the question. I ask you to please repeat it.

Q I say, no matter how divergent your views were, or what views you expressed to the Fuehrer on any of these questions after 1941, your suggestions being contrary to the Fuehrer's, were never put into effect. Isn't that correct? You always eventually did what the Fuehrer told you to do and what he wished, regardless of your own views.

A You are putting two questions to me, and to the first I would like to reply that it is not correct that Hitler never accepted proposals from after that; and I can answer question two that if Hitler uttered an expression or an opinion to me and gave an order, I carried the order through as a matter of course.

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Q In other words, eventually you always said yes, isn't that correct?

A Yes, I carried through his orders.

Q Now, I am going to read you some more of your testimony:

"He" -- referring to the Fuehrer -- "considered me his most close collaborator. A very serious conversation we had then when I wanted to go away. I promised it to him and I have kept it to the last moment. It was sometimes very difficult, I can assure you, to keep this promise, and today I am sorry that I have given it. Perhaps it would have been better had I not given it, because it put me in a position that I could, since that moment, in very serious and important moments of this war, not talk to Hitler in that way which I would have liked to have talked to him, and in which, perhaps, I could have talked to him since this conversation in 1941.

"I must explain all this to you. If you don't know the background of these things you might think perhaps that as Foreign Minister during these last years I would like to say more about this. Perhaps I might say one could give some more information about this, but I want to be and remain loyal to thi man, even after his death, as far as I can possibly do it. But I reserve myself, of course, the right for history also to show in keeping my promise, to show also the role which I have played in this whole drama."

Did you or did you not make those statements under oath to me?

Yes or no? Yes or no, please.

A Again, to question number one I would say that I do not recall. To the second question, no, I testified under oath perhaps once or twice, but that isn't relevant now. This statement is not verbatim and it must have been inadequately translated. It is correct that I said that I was loyal to the Fuehrer and that I said further that I had divergent views from him, and that I was not always of the same opinion, and that is the quintessence of my statement.

Q I only asked you one question, and I ask you again to answer it yes or no. Did you or did you not make those statements in the exact language that I just read them to you?

THE PRESIDENT: I think, Colonel Amen, he really did answer that, because he said it is not verbatim.

COLONEL AMEN: But it is verbatim.

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THE PRESIDENT: That is a matter of opinion. He says it is not verbatim.

COLONEL AMEN: Well, very good, your Lordship.

BY COLONEL AMEN:

Q In any event, you can see that you stated the substanceof what I just read to you, correct?

A Just as I have said previously, yes.

Q Now, as a matter of fact, Ribbentrop, you testified and gave this particular testimony in English, did you not?

A I spoke English several times at interrogations, but whether that applies in this case, I can't say. In any event, this statement was to be interpreted as I have already set forth.

Q And when you gave your testimony in English, that was at your own request, was it not?

A No, that is not correct.

Q At whose request?

A That I don't know. I believe it just happened that way, but I can't give you any particulars. I believe I spoke English most of the time and German only very seldom.

Q Now, I am going to read you a little more of your testimony and ask you the same question, which I hope you will answer yes or no, namely: Did you give this testimony in the course of the interrogation:

"Q Do you feel that you have an obligation to the German people to historically set forth not only the good things, but the bad things, for their education in the future?

"A That is a terribly difficult question to answer.

"Q Does that counterbalance the loyalty you feel towards the Fuehrer?

"A I do not want to stand before the German people as being disloyal to the Fuehrer."

Did you make those statements?

A Yes, it is entirely possible, but I don't recall at this minute. We said so much in the course of the last few months, and my health was not the best, you know, so that I cannot recall each and every word.

Q All right. Now, see if you recall having made these statements:

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" I always told the Fuehrer openly my view if he wanted to hear it, but before all decisions I had kept myself entirely back, but if the Fuehrer once had decided, I had, according to my attitude toward the Fuehrer, blindly carried out his orders and acted in the sense of his decision. In a few decisive foreign political points, I have tried to give my opinion in a more impressive manner. This was in the Polish crisis and also in the Russian question, because I considered this absolutely important and necessary, but since 1941 I had but very little weight and it was difficult to bring my opinion through with the Fuehrer."

Do you recall having made those statements? Yes, or no, please.

A That is about right, yes, and I recall that.

THE PRESIDENT: Colonel Amen, the Tribunal has already heard a very long cross examination of the defendant, and they think that this isn't adding very much to what they have already heard. The defendant has given very similar evidence already.

COLONEL AMEN: Very good, sir. I will pass to another subject.

BY COLONEL AMEN:

Q You have testified that there was a sharp line of demarcation between the political and the military situations, correct?

A I didn't quite get the last part of your question.

Q You have testified that there was always a sharp line of demarcation between the political and the military elements.

A Yes. The Fuehrer always differentiated between these two aspects; yes

Q And that information belonging to the military was kept exclusively for the military and not made available to your office, for example? Is that correct?

A As far as military things and plans were concerned, I heard very little, that is correct.

Q And that the contrary was also true, that the information which you obtained was not made available to the military, is that correct?

A That I am in no position to judge, but I would assume so, for after all I do not know what information the military received from the Fuehrer.

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Q Well, you told us that the Fuehrer's entire plan was to keep those political and military channels separate each from the other, correct?

A Yes, in general he kept those two aspects sharply differentiated and I have testified to that effect several times already and for that reason I have just received knowledge of military documents here rather than before. That was in line with and in keeping with the secret decree of the Fuehrer that only those people who were concerned with it must be informed of it.

Q Now, as a matter of fact that was not true at all, was it Ribbentrop?

A I have already given you my answer.

Q As a matter of fact you had secret agents out who were working jointly in foreign countries for your office, for the army and for the navy, isn't that true?

A No, that is not true.

Q You are quite sure of that ?

A Yes, I am certain of it.

Q And you are swearing to that?

A You mean agents who did what ?

Q Who were out obtaining information for your office, for the army and for the navy at the same time, jointly ?

A I believe that improbable. It is possible that one man perhaps worked for different organizations but as far as concerned our organization that is quite impossible. We had a very small intelligence service and the intelligence service of the Reich worked, as far as I know, entirely separate from outs. It might be possible that a man here or there worked for more than one department. It is conceivable that at the embassy, just as British, American and Russian consular people were used for information services, but every other country does the same thing.

Q So you want to change the answer you made a moment ago, is that right?

A No, I do not wish to change it as far as the organization or basic line of principle is concerned. We never had secret agents, we never used them. It might be that some ddepartment of the Foreign Office concerned with this

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might have had their agents and it is perhaps from this department that counter-espionage work was carried out or SD work was carried on, that is entirely possible. Later I spoke with Hitler about intelligence work as I had marked differences with Himmler and through the good offices of Kaltenbrunner it was made possible to reach an agreement and to have certain intelligence reports put at our disposal also but this agreement did not function. I believe it had no practical value after 1944.

Q Will you look at Document Number 3817-PS, please? Will you first tell the Tribunal who Albrecht Haushofer was, please?

(witness handed document)

A Albrecht Haushofer was a co-worker of mine in the earlier years. He was a man who concerned himself with Volkstum questions (German minority questions.)

Perhaps you will let me read the letter first. It is a letter of Haushofer? It is not signed.

A Yes, it is.

Have you finished reading?

A No, not quite yet. Shall I just read the first trying to make this as short as we possibly can.

Does that letter refresh your recollection that Haushofer was out in the Orient investigating various matters and making reports to you as early as 193

A At the moment I cannot recall that Haushofer was in Tokio but that is entirely possible.

Q Well, the letter is addressed to you and it encloses a report, does it not?

A Isn't there some misunderstanding? Isn't this a letter of Count Duerkheim instead of Haushofer? Of course, you told me it was a letter of Haushofer and it is possible that Haushofer was in Tokio but I cannot at this point give you the details. At that time I sent Count Duerkheim to Tokio but it is entirely possible that Haushofer was there also.

DR. HORN (Counsel for defendant Ribbentrop): Mr. President, I can see that this letter does not contain a complete date or signature but Colonel Amen just told me that this letter was allegedly written in the year 1937

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but in the year 1937 Ribbentrop was not Foreign Minister. He became Foreign Minister in February of 1938.

COLONEL AMEN: It has the date on it -- 3 October -- and it was captured with Haushofer's documents.

BY COLONEL AMEN:

Q Haushofer, Albrecht Haushofer --

A I consider it probable that this is a letter of Haushofer but, as I said, I do not recall his visit to Tokio in 1937.

Q Well, now --

A He was a collaborator who worked with us in the early years but later concerned himself with Volkstum questions (German minority questions) and in later years I lost track of him.

Q I will just pass along through this document. You will find the next document is a letter dated 15 April 1937, requesting reimbursement and funds for this trip.

A Yes.

Q And then passing to the next document, you will find a letter to the Deputy of the Fuehrer Hess, saying:

"I am using the courier to send you also personally a short report which is going to Ribbentrop at the same time. It contains as briefly as possible a summary of what I could observe and hear over here in four weeks."

Do you see that?

A Yes, it is before me.

Q Then you will pass on to the next letter dated 1 September, 1937, addressed to yourself.

A Yes.

Q Enclosing a report covering the first four weeks.

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A. Yes, I have that letter before me.

Q. Now, we will pass over the report for a moment and you will come to a letter dated 17 December, 1937.

THE PRESIDENT: Colonel Amen, the Tribunal thinks this is very far from the matters which they have really got to consider.

COLONEL AMEN: Very good, sir. It seems to me that this indicates very clearly that copies of the same report which is included here were being sent simultaneously to the Army, to the Navy -- it went to Raeder -- one to the army and to Ribbentrop.

THE PRESIDENT: Yes, it is true that the witness's first answer was that they did not have joint agents but he eventually qualified that and said they might sometimes have had joint agents.

COLONEL AMEN: That is right, sir. If you think he has already conceded that point --

I would like to put this in as U.S.A. Exhibit 790.

THE WITNESS: I ask to be permitted to say we are not concerned with an agent. Mr. Haushofer was a frew collaborator who was interested in politics in general and in Volkstum questions. If he was in Tokio, and I believe he may have been, I told him to speak with several, different people and to report to me. I am just finding out now through these letters that for reasons of business or because he knew these other gentlemen, he reported not only to me but to these other gentlemen as well. But we are not concerned with an agent, with a joint agent here. I believe the only other gentleman who knew him closely was Rudolf Hess. I do not believe anyone else knew him. Hess and I knew him but if I were to say anything else you would get the wrong impression. This was a private traveling person.

BY COLONEL AMEN:

Q. Now, I believe you have told the Tribunal that you were not very close to Himmler, is that right?

A. My relation to Himmler was good during the first few years but I am sorry to say our relationship was not good in the latter years. That was not entirely obvious to the outside and to the public but I do not wish to discuss

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this matter in detail. It has already been mentioned. There were serious divergencies --

Q. I do not care what the divergencies were. In what years did you get along closely with him?

A. I did not understand your question.

Q. In what years were you close to him?

A. The first divergencies between Himmler and myself came, I believe, in the year 1941 and it concerned Rumania. We reached an agreement as far as the outside world was concerned and we collaborated and exchanged letters on birthdays but the relationship was not very good after 1941. Before 1941 our relations were good and I agreed with the idea of a Fuehrer group. I was in positive agreement on that point.

Q. And you had at least fifty social appointments with Himmler in 1940 and 1941?

A. How many did you say?

Q. Fifty.

A. Fifty -- no, I do not believe that was the case. I would not say fifty, although I cannot say exactly. But after 1941 conditions were serious between us but I believe others have testified as to that already.

Q. Well, I do not --

THE PRESIDENT: Are you dealing with social appointments between Ribbentrop or something or other?

COLONEL AMEN: Yes.

THE PRESIDENT: Is that a matter which the Tribunal has to go into?

COLONEL AMEN: I expect, sir, that any person that has as many appointments as are indicated by these books, certainly would have discussed with Himmler the matter of concentration camps and the entire matters which Himmler was exclusively handling. He has told the Tribunal that he had never heard anything about concentration camps from Himmler.

THE WITNESS: I would wish to repeat my statement that at no time did Himmler discuss this matter with me and that we might have seen each other frequently but fifty, no. Perhaps five or ten, although I cannot give you the exact number and I do not believe that is of vital significance and it is not decisive.

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Of course, we had to collaborate and work together on my theories and this working was greatly difficult.

Q There were many business appointments you had with them also, were there not? Just take a look at this sheet of entries from Himmler's appointment book and tell me whether that conforms to your--

THE PRESIDENT: Colonel Amen, the Tribunal does not want this matter gone into any further.

COLONEL AMEN: Very good, sir, but these were business appointments as distinguished from social. There are no further questions.

BY GENERAL RUDENKO:

Q Defendant Ribbentrop, in the course of the several last sessions of the Tribunal you explained rather in detail the foundations of the German foreign policy. I would like to ask you a few questions and would like you to make extremely laconic replies, primarily in terms of yes and no. Do you consider the Anschluss an act of aggression? I would like you to answer this.

A You mean Austria?

Q Yes.

A No, it was not an aggression. It was the execution -- After my saying "Yes", may I answer a few questions or shall I confine myself to yes or no exclusively?

Q No, I merely asked you to answer my questions not in too great detail, but laconically. I would like to receive replies in the sense of yes and no.

A My state of health has something to do with this and I please ask that you pardon me.

Q I understand.

A The Anschluss I did not consider an act of aggression. I considered it as an execution of the will of both peoples involved, who always wanted to be together, and something that the regime before Hitler was concerned with.

Q Once more I shall ask you to please reply yes or no to the questions. Do you think that the Anschluss with Austria was or was not part of the German aggression.

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THE PRESIDENT: He gave you a categorical answer to that; that it was not an aggression.

GENERAL RUDENKO: Yes, I understand, Mr. President.

THE PRESIDENT: And we have already ruled that the witnesses are not to be confined to answering yes or no. They must answer yes or no first, and then make a short explanation if they want to. But, anyhow, with reference to this question, he has answered it categorically.

BY GENERAL RUDENKO:

Q The second question: Do you think that the seizure of Czechoslovakia by the German Army was German aggression?

A No, it was not an aggression in that sense. The annexation was in line with the self determination of people as was set down by President Wilson in 1919 and the annexation of the Sudetenland was sanctioned by the Great Powers in Munich.

Q You evidently have not understood my question. I have asked you whether you considered the seizure of Czechoslovakia a German aggression.

A No, it is not German aggression in that sense, but I consider it, as the Fuehrer told me and I believe that is correct, that it was a matter of necessity resulting from the geographical situation of Germany. This geographic position meant that Russo-Czechoslovakia was to be an areal base against Germany. The Fuehrer was of the opinion, therefore, that this region of Bohemia and Moravia would have to be occupied so that the German Reich would be protected against attacks, especially from the air. The distance between Prague and Berlin was a half-hour's distance by air. The Fuehrer told me that, with respect of the fact that the United States of America had certain spheres of interest in the Western Hemisphere, and that Russia was a large territory and England encompassed the whole globe, that Germany would be justified in taking such a small area as its sphere of influence.

Q It is clear. Do you consider the invasion of Poland part of the German aggression?

A No; I have to answer again with no. The attack on Poland, because of the position and attitude taken by the other parties, was inevitable and

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could not be circumvented in any way. It would have been possible to reach a peaceful solution in accordance with German Reich, andI believe that the Fuehrer would have taken this way if the other powers had taken this road. But, as the situation was, the tension had become so great that Germany could not tolerate anything more, and Germany as a great power could not be tolerant of Polish provocation any longer, and that is how the war arose. I am convinced that the Fuehrer was never interested in conquering Poland.

Q Do you consider the attack on Denmark part of the German aggression?

A No, the "invasion" of Denmark, as we call it, was, according to what the Fuehrer told and explained to me, a preventive measure, in order to prevent the imminent landing of British fighting forces. That our intelligen reports were authentic can be carried back to the fact that later on, shortly thereafter, fighting between Germany and English troops took place after our landing, and we knew that the British troops had been prepared for a long time prior to this day and documents, which were found later and which were published, show orders to the effect that an English landing in Scandinavia had been planned and prepared to the last detail. The Fuehrer, therefore, believed he could prevent Scandinavia from becoming a theatre of war with his intervention, and I do not believe that you can apply the term "aggression" to such a measure.

Q And this theatre of Norway you don't consider aggressive action on the part of Germany either?

A I was talking about Norway just now. I was talking about Norway and Denmark. It was a combined action.

Q All right, that is sufficie nt. I understand you quite clearly. Do you consider that the attack on Belgium, Holland, and Luxembourg an aggressive action on the part of Germany?

A That is the same question. I must say no, and I would like to explain my answer.

Q Just a moment. I would like you to give answers which are more laconic, a little more brief. The basic question is, do you deny that these actions were aggressive actions on the part of Germany?

A The Russian Prosecutor will understand that we are dealing with vital questions, which may not be dealt with in a sentence or two, especiall

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since we did not have the opportunity to go into this at length before.

Q I understand that you have been answering questions of that nature for about three days already. I appreciate that.

A I will try to be brief. After the Polish campaign, the military concerns were the vital and decisive ones. The Fuehrer wanted to localize the border. He did not want it to expand. As far as France, Holland, and Belgium were concerned, France declared war on us. We did not declare war on France. Therefore, we had to be ready for an attack on all sides. The Fuehrer told me at that time that such an attack to the Ruhr Area was to be expected. The documents which were found later show without benefit of doubt, and show to the whole world, that this action was true. The Fuehrer, therefore, decided to take the preventive measures in this case, too, and not await an attack on the heart of Germany, but to attack first. Therefore, the timetabel applied.

Q Do you consider the attack on Greece an aggressive action on the part of Germany?

A The attack on Greece and Yugoslavia by Germany has already been discussed. I don't believe I need to say anything more on this point.

Q I also do not think it is necessary to give detailed replies. I merely asked you whether you considered an attack on Greece an aggressive action on the part of Germany?

A No, the measures which were taken in Yugoslavia and those taken by Greece in the granting of bases to the enemies of Germany justified intervention on the part of Adolf Hitler, so that an aggressive action cannot be talkedof in this sense. It was entirely clear that British troops were about to land in Greece and that a riot or a putsch was made in Yugoslavia by the enemies of Germany in agreement with the enemies of Germany so that they could attack from that point on. The acts of the French General Staff, which we found in France, showed clearly that Salonika landing was planned.

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Q Mr. Ribbentrop, you have talked about that already. You have talked about that in detail before. Do you not think that you could give answers that are a little briefer? The last question with regard to aggressive action is, do you consider the attack on the Soviet Union a part of German aggression or an aggressive act on the part of Germany? Do you or do you not?

A It was not aggression.

Q Excuse me please, Defendant Ribbentrop. Do you mean literally that it was not an aggressive action? If you please --

A May I say a few words? The term "aggression" as used by the Prosecuti is very serious, and international law is not clear on it, by any manner of means, even today. But you no doubt must admit that we were thus concerned with a preventative measure, a preventative war. We did attack; we don't dispute that. I had hoped that the matters which we had to regulate with the Soviet Union should have been regulated in a diplomatic way, and I did everything possible. But the political measures taken by the Soviet Union in the years 1941 and 1942 and until the outbreak of war led the Fuehrer to believe, as he told me repeatedly, that sooner or later the so-called East-West Pincers would be applied to Germany, in the East Russia with her tremendo might, and that in the West the United States and England would make a landing against Germany, and it was the great concern that this pincer-like action would come to pass. The Fuehrer told me he had reports that a close collaboration was taking place between the General Staffs at London and Moscow. I personally did not see the intelligence reports and did not receive any, but the reports which the Fuehrer told me about -- what the Fuehrer told me -- were of a concrete nature. In any event, he was very much afraid that the political situation would work out in such a way that it would be catastrophic for him and for Germany, and he wanted to prevent a collapse of Germany and the destruction of the balance of power and might in Europe.

Q In your testimony you have frequently stated that following peaceful objectives you considered it necessary to solve a number of decisive questions through diplomatic channels. Now, obviously, this testimony is a falsehood, since just now you admitted that all these actions of aggression have been justified on the part of Germany.

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A No, I did not want to say that, by what I said. I just said that we were not concerned with an aggressive action, Mr. Prosecutor. I did tell how this war originated and how it developed and how it spread. But I was always concerned at the beginning of the war in the Polish crisis and later on to do everything to prevent this war. That will be shown by history, aside from this Tribunal. We later tried to localize the war and prevent it from spreading. That is true, also. Summarizing, I would like to say that the outbreak of the war was brought about through circumstances at the end which were not in Hitler's hands any longer. He could not act otherwise than as he did, and when the war spread further his decisions were prompted by military considerations and he acted solely in the interest of his people.

Q I understand you have submitted to the Tribunal No. 111, which is addressed to the Fuehrer personally. You must remember the document. It was not so long ago that you had submitted it to the Tribunal.

A No, I am not exactly sure what we are concerned with. May I look at it?

Q This document is in the hands of your own Counsel, as Exhibit No.111. It has been submitted to the Tribunal by your attorney. On page 5 there --

THE PRESIDENT: It could not have been submitted to the Tribunal as 111, without anything more. Is it 111-RS or 111 what?

GENERAL RUDENKO: Mr. President, this is the same document submitted in the name of the Defendant Ribbentrop which bears merely the number, 111. We have only a Russian translation here, which came to us together with a German book of documents. I had supposed that the Tribunal has the same book of documents.

THE PRESIDENT: It is R-111. You mean it isn't 111; it is Ribbentrop 111.

GENERAL RUDENKO: The number is 311, it now appears. Mr. President, the correct number is 311; not 111, please.

THE PRESIDENT: Yes, I've got it now. It is in Document Book No.9

GENERAL RUDENKO: May I continue, Mr. President?

THE PRESIDENT: Yes.

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Q On page 5 of the document, while characterizing Hitler, you state the following: "After the Polish victory in the West and due to force and to the influence which we must ascribe to Hitler, in other words, Hitler's doctrine was that German hegemony must be established in the West as well as in the East." Do you remember that extract from the document?

A May I see the document? I am not familiar with it.

GENERAL RUDENKO: I would ask the attorney for the Defense to submit the document to the Defendant at this time, if you please.

DR. HORN: Mr. President --

THE PRESIDENT: Wait a minute.

Dr. Horn, the Tribunal are inclined to think that this document is quite irrelevant. It is apparently a document by the Defendant Ribbentrop, touching upon the personality of the Fuehrer. I don't know where it was prepared, but it seems to us to be irrelevant.

DR. HORN: Yes, Mr. President, I am of the same opinion, that it is irrelevant. I included this document only in case the Defendant did not have an opportunity to give his relationship to Hitler, but since he has had that opportunity I would like to withdraw the document.

THE PRESIDENT: General Rudenko, The Tribunal consider the document quite irrelevant.

GENERAL RUDENKO: Mr. President, this document was submitted in the book of documents by the Defendant. Supposedly it is written by the Defendant Ribbentrop in the course of this trial. All the Prosecutors considered it admissible, since there is a series of assumptions there that are important, including a description of Hitler's personality which sheds important light on certain things. However, if the Tribunal considers the document irrelevant, then it is perfectly agreeable to me.

THE PRESIDENT: We haven't yet had an opportunity of ruling on the admissibility of these documents. It is the first time we have seen them, this morning. We all consider this document irrelevant.

GENERAL RUDENKO: I understand.

Q I would like to put several questions with regard to German aggressi against Yugoslavia. I would like you to look over Document PS-1105, which

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is entitled "Preliminary Plan for the Division of Yugoslavia." I want you to look at Paragraph 4 of the first section of the document. It states "The Fuehrer said with regard to Yugoslavia" -- Have you found the place?

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A. Can you tell me what page that is, please.

Q. Page 1, the fourth paragraph.

"On the subject of Jugoslavia the Fuehrer has given the following directives:"

A. I must have the wrong document.

Q. 1195-PS.

A. Yes, now I find the place.

Q. I have it here. In other words again, "On the subject of Jugoslavia the Fuehrer has given the following directives:" Do you see it? Is that correct?

A. (There was no answer).

Q. "The territory of Jugoslavia must go partially to Italy and will be done in accordance with the directives to the Minister of Foreign Affairs."

Have you found the place?

A. No, I can' find that here.

Q. The first words are, "In accordance with the direct information from the Foreign Office."

A. I am sorry; I can't find that. Which paragraph are you referring to?

Q. Paragraph 4, page 1, beginning with the words:

A. Yes. This document starts, "The Fuehrer has laid down the following principles for" -- Is that the place you are citing?

Q. The paragraph ends, "In accordance with the directives from the Foreign Office." Have you got it? Then there is further reference to the OKH.

A. There must be a mistake. I cannot find anything to that effect.

THE PRESIDENT: General Rudenko, it is a quarter to one, so perhaps we had better adjourn.

(A recess was taken until 1400 hours).

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Official transcript of the International Military Tribunal in the matter of the United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics a ainst Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany, on 2 April 1946, 1430-1700 hours, Lord Justice Lawrence, presiding.

JOACHIM VON RIBBENTROP (Resumed)

(CROSS EXAMINATION) Continued

BY GENERAL RUDENKO:

. Defendant Ribbentrop, did you take cognizance of the document?

A Yes, I have.

. Did you take cognizance of the full contents of the document or just Paragraph Four?

A I read Paragraph One, theone you talked about earlier.

. Did you find the place where it says about the power of the Ministry of Foreign Affairs regarding the divion of the territory of Jugoslavia?

A It says here in my document that the surrender of the territory occupied by the Italians has been prepared by the letter of the Fuehrer and then carried out by order of the Foreign Office.

. That is correct. That is what I have in view, exactly this place. In section two of this document, which is headed "The Delimination of the Frontiers", it is stated there -- Section Two, Page Two of the document, it is stated that as far as the delimitation of the frontiers was not exactly stated, this was done in accordance with the directives received fromthe Ministry of Foreign Affairs.

A Yes, I see that.

. I should like to put one question in that connection. Does this document express the will of the Ministry of Foreign Affairs in the division of Jugoslav territory? Is that correct?

A It appears from that that probably the Foreign Office would merely ascertain others, apart from those which had been fixed.

. It is clear. Regarding Jugoslavia, I should like to put another two questions to you. On 4 June--This does not refer to this document any-

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more. On 4 June 1941 in theGerman Embassy, under the presidency of the German Ambassador, there was a meeting at which it was decided regarding the forced evacuation of the Slovenes and Serbs. At this meeting it was decided in accordance with a telegram from the Ministry of Foreign Affairs, 389, of 31 May 1941. Do you know about these measures?

A No, I must say that I do not know them. Perhaps I may read through them.

Q Yes, please.

A No. I do recollect that resettlement took place, but I am not informed about any details.

Q Yes, it is evidently difficult to remember all the details but you remember that the deportations took place in accordance with the directives of the Ministry of Foreign Affairs?

A Yes. Well, it says here that the Fuehrer has approved a resettlement scheme, but I do not know the details. Anyway, we certainly did play a part here, since the meeting took place with the representatives of the Foreign Office, but I can not say anything in detail now since I am not informed.

Q Yes, I understand very well. There is another question in this connection. This was forced migration of the population?

A I do not know.

Q You do not know about that? All right. Here is the last question in connection with Jugoslavia. After the attack of Germany on Jugoslavia, about 200 Jugoslav diplomatic employees who tried to get into Switzerland were taken under arrest and then, in spite of their protests, which were sent to yourMinistry, were forcibly taken to Belgrade, wherefrom many of them were directed to concentration camps and died there. Why did you not take the measures which you had to take after this transgression of the diplomatic immunity?

A At this moment I can not recollect it at all, but as far as I know, it has always been my principal instructions on how diplomates should be treated that they were to be returned to their own countries. If it did not happen in this case, then I do not know why. But you yourself say that they were returned to Belgrade. That, at any rate, is in accordance with

my instructions. Whether they were interned atBelgrade and why, that I am afraid I do not know. I do not think we had anything to do with that.

Q Regarding the fact that they were put into concentration camps, you do not know anything about that?

A No, I did not know that.

Q Very well. Here is another group of questions. Who besides Hitler signed the directive regarding the Sudetenland of 21 November 1938? Do you remember it?

A I do not know what the order is that you are referring to. May I look through it?

I see that I have also signed it. This is the law regarding the re-union of the Sudetenland with the Reich.

Q Do you remember that you really signed this law?

A No doubt. If it says so here, then it must certainly have been like that, but, of course, at the moment I do not recollect.

Q It is quite understandable. It is clear. Who besides Hitler signed the decree regarding the Protectorate of Bohemia and Moravia of 16 March 1939, which in essence liquidated any state sovereignty of the Czechoslovak Republic?

A I believe that I signed that one, too. Yes, I did. It says so here.

THE PRESIDENT: General Rudenko, surely all of these documents speak for themselves. The defendant has not challenged his signature upon these documents.

GENERAL RUDENKO: I understand very well, Mr. President. I only wanted to remind the defendant. He seems not to remember a few of the things, so I just wanted to present these documents to him.

Q You also signed the decree of 12 October 1939 regarding the occupation of the Polish territories. Do you remember it?

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A 12.10.39? No, I do not remember it.

Q Quite correct.

A I have signed a lot of things during those years, and I cannot remember them in detail.

Q This is dated 12 October.

THE PRESIDENT: General Rudenko, if he does not dispute his signature, why should you waste time in putting these documents to him? His signature is on the document. He does not dispute it. This is a mere waste of time.

GENERAL RUDENKO: Yes. Then I have in connection with this only one more question.

Q Your signature is also on the decree of 18 May 1940 regarding the annexation of the Belgium territories, Malmedy and others.

I put these questions in order to come to a next question. Is it correct to state here that every time when a decree by the Hitler Government tried to give some basis for their directives, under such decrees there was always the signature of the Reich Minister Ribbentrop?

A I believe not. If any territorial changes were carried out, then the Fuehrer ordered them, and, as appears from these documents, all ministers concerned would then carry out countersign these orders which had originated with the Fuehrer, and, of course, I also countersigned these orders myself.

Q That is clear.

Now, I should like you to take cognizance of the document which has already been submitted in evidence to the Tribunal as USSR 120. This is the document in which you organized the work, together with Himmler. I should like you to read to point six of this document.

A I beg your pardon. This is a different document. This has something to do with information. You were talking about forced work, labor. This seems to have something to do with communication.

Q That was incorrectly translated to you. I did not speak about slave labor. I only said that there was work involved. Please pay attention to Point Six of this document. I do not want to take up the time unnecessarily. I am quoting, It is stated here:

" The Ministry of Foreign Affairs gives every possible assistance to the Secret Intennigence Service. The Minister of Foreign Affairs, as far as

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possible, in the foreign affairs, will provide certain employees for the Intelligence Service, and they will be put amongst the foreign representatives of Germany."

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I want to skip one long paragraph and will read just the final paragraph:

The responsible employee of the intelligence service regularly must inform the head of the ministry of foreign affairs regarding all the questions of the activity of the secret intelligence service in every country.

Did you sign such agreement? Isn't that true?

A. Yes.

Q. Thus, we should like to state here that the foreign apparatus of the ministry of foreign affairs really carried on intelligence activities, or, in other words, spying.

A. No, you can't really say that, for the following reasons:

I said once before this morning during my examination that there were differences between Himmler and myself about the intelligence service abroad. Thanks to the efforts of the Defendant Kaltenbrunner, that agreement was eventually signed. A cooperation had been planned, and I do by no means deny that the function existed -- that men of the intelligence service were to be used for our purposes in the foreign office. But in practice this was never carried through. The agreement couldn't become effective because it was concluded so late that the end of the war arrived first. I think the date, which is lacking in this copy, must have been 1944 or 1945, when that agreement was concluded. Thus, an actual cooperation didn't take place; but it was intended that such cooperation was to be brought about, and I was particularly interested in that. There had been certain differences and I desired to stop them and put it on a uniform basis.

That was the reason; and apart from that I think that is a part of the activity carried on by all countries abroad. I don't think it is anything unusual.

Q. I am not asking you what you think of this; I only asked you whether it is correct that you did sign such an agreement, and you replied to this question in the affirmative?

A. Yes.

Q. I have no further question in regard to this document.

Here is another document which is from this series. Do you remember

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the letter of the Defendant Kaltenbrunner in which he asked one million --

A. What do you say -- one million? I didn't quite understand.

Q. I should like to take cognizance of this document; it is a short document.

A. May I just look through it please?

Q. Of course.

A. Yes. I recollect the matter, and I think certain funds were placed at their disposal in that connection.

Q. Yes. It was given to Kaltenbrunner; isn's that correct?

A. I can't tell you in detail, but I think I did give instructions at the time to the foreign office that financial support should be given in that matter; that's right.

Q. This is exactly the question in which I was interested. The document speaks for itself. Now I shall refer to another group of questions.

You testified here that in August and September 1940 in the castle Fuschl you met the Defendant Keitel to discuss a memorandum regarding the possibility of an attack by Germany on the Soviet Union. Consequently, nearly one year before that attack on the Soviet Union you knew exactly the plans for this attack.

A. No, that isn't a correct version. The Defendant Keitel was with me at the time at Fuschl, and on that occasion he mentioned to me that the Fuehrer had certain qualms regarding Russia and that he considered a conflagration not altogether impossible. He on his part had prepared a memorandum and he intended to consult with the Fuehrer. He had objections against any conflict of that type in the east, and he asked me at the time to influence the Fuehrer in that direction, which I agreed to do. But any intention of an attack was not at all discussed. It was merely a general staff discussion. No concrete matters were communicated to me by him.

Q. Very well. I didn't want to keep the attention of the Tribunal on this question. I should like to propose another question in this connection.

You replied to Keitel during this conversation that you would express also your opinion regarding the war with the USSR to Hitler. Did you have a

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conversation with Hitler on that theme?

A. I have discussed that subject several times with Hitler, and on that occasion I had discussed the danger of preventative wars with him and he in turn informed me of his objections, which I have mentioned here.

Q. Yes; all right. It is quite correct. Tell me, did you know that the so-called "Green Map" of the Defendant Goering which contained directives regarding the purge and exploitation of the temporarily occupied territories of the Soviet Union was prepared a long time before the actual attack took place?

A. No, I didn't know it. The name "Green Folder" I heard for the first time here.

Q. Very well. That regards not only Keitel, but the contents of the document.

A. Neither the file nor the name.

Q. You didn't know. All right. You knew that already before the war directives were prepared regarding the extermination of the peaceful Soviet population?

A. No, that wasn't known to me either.

Q. Very well. When did you know about that?

A. Of such plans I heard nothing at all.

Q. And the directives?

A. All of the preparations.

Q. And regarding the directives and the Plan Barbarossa, you knew about that already before?

A. Regarding what? I didn't quite hear you.

Q. Regarding the jurisdiction in the region of Barbarossa -- that is, the Plan Barbarossa?

A. No, I have to say that I have never occupied myself personally with that, but it could be that some department in my foreign office did cooperate. I myself never concerned myself with the question of jurisdiction; I was excluded from the beginning of the conflict with the Soviet Union.

Q. I should like you to take cognizance of a telegram which you directed

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on the 10th of July, 1941, at 1410, to the German Ambassador in Tokio. I am submitting this document under the number USSR 406. You must remember this telegram.

A. To whom is it addressed? It doesn't say here.

Q. To the German Ambassador in Tokio.

A. Oh, yes, I see; Tokio.

Q. Apparently you remember it. I should like you to pay attention to the words which are found on page 4 at the end of this document. They are underlined, I am told, to make it clear. I shall read it into the record.

A. Which part are you referring to? Is it the last part?

Q. It is on the last page, the fourth page of the document. It is underlined.

A. Yes, I have found it.

Q. I am going to quote it:

"I request you by all means in your possession to have your influence on Matsuoka so that Japan will declare war on Russia as soon as possible; the sooner it will happen the better it will be. The final aim should remain always in the future, the fact that Japan and we, before the coming of winter, will hav our hands together on the Siberian frontier. The crash will be so great that the question of the crash of England or complete annihilation of the British Isles will be only a question of time."

Do you find this place?

A. Yes, I have got it.

Q. Is this one of your efforts regarding the localization of war?

A. I didn't understand that last question?

Q. I am saying, is this one of your efforts regarding localization of war?

A. The war against Russia had started, and I tried -- and the Fuehrer was of the same view -- to get Japan into the war with us so that the war against Russia would finish as soon as possible. That was the sense of that telegram.

Q. This was not only the position of the Fuehrer, but it was also your policy as minister of foreign affairs at the time?

A. Yes; yes.

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Q. I have a few more questions. You state that never did you hear anything regarding the cruelties which took place in concentration camps?

A. Yes, that is correct.

Q. During the war you, as minister of foreign affairs, took cognizance of and read foreign newspapers. Did you know that the foreign press contained various information on that matter?

A. No, that only applies up to a point. I had to read so much and to work so much every day that I only read such foreign political news in the foreign press as had been handed to me. Thus, during the whole war I never read news coming from abroad which referred to concentration camps, until one day the Soviet Russian armies captured the camp at Maidanek in Poland. On that occasion news came from our embassy and I had press news put before me. All that has been discussed here. I took those newspapers to the Fuehrer. Before that I knew nothing at all about atrocities or any measures in concentration camps.

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Q. Did you know about the notes of the Ministry of Foreign Affairs of the Soviet Union regarding the cruelties and inhumanities committed by the German fascists in the temporarily occupied territories of the Soviet Union upon the population of the Soviet Union, and regarding pillages and so forth?

A. That note reached me, I think, through diplomatic channels, but I can't remember it just now. It may be that it came through news agencies. However, I do remember that there were several notes at the time, and I remember one of them, which I had submitted to the Fuehrer. But since the beginning of the German-Russian war we could not carry out any actions in those territories, and we exercised no influence. Therefore, I am not in any way informed about the details.

Q. I was primarily interested in the basic fact that you were aware of the notes of the Minister of Foreign Affairs of the Soviet Union. Tell me, please, do you knwo that millions of citizens were deported into slavery to Germany?

A. No, I don't know.

Q. Is it possible that you don't know it? And those citizens who were in Germany and were used as slaves -- you are not aware of that either?

A. No. According to what I heard, all these foreign workers are supposed to have been treated well in Germany. That other things happened too, that I consider possible, but, on the whole, I think a lot was done to treat these workers well. I know that on certain occasions departments of the Foreign Office worked in this direction so as to stop any unpleasant things, but on the whole we had no influence in that sphere, since we had been excluded from Eastern questions.

Q. Why were you sufficiently informed that foreign laborers were treated well, and were not informed regarding the fact that they were treated as slaves? Why is that?

A. I don't think that this applies. We in the Foreign Office did help French and Soviet workers by getting artists from France, for instance. We advised on questions of their welfare, and I know that the German Workers Front did everything, so that as to the sector which we could look into, the

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workers were treated very well and their leisure time was looked after fairly well. At least, that was where we cooperated.

Q. Very well. Here is a perul imate group of questions in connection with the activity of the Ribbentrop Battalion. I now ask you to read the testimony of SS Obersturmbannfuehrer Norman Paul Foerster. This document is submitted under number USSR-445. Please pay attention to page 3 of this testimony of Foerster; it is underlined there. It is stated there:

"In August of 1941 I arrived at the designated address in the town of Berlin and learned that I was ordered to Sonderkommando SS of the Ministry of Foreign Affairs. In this command there were about 80 to 100, and later there were 300 or 400 personnel. Later the name of Sonderkommando was changed to Battalion, a special bastalion of the Ministry of Foreign Affairs.

"I was received by the Baron von Kuensberg in the building of the Ministry of Foreign Affairs, where the Sonderkommander was quartered. He explained to me that the Sonderkommander was created in accordance with directives of the Minister of Foreign Affairs, von Ribbentrop. 'According to the directives of von Ribbentrop', said Kuensberg, 'our Sonderkommander must go to the occupied territories, together with the forward sections of the army, in order to preserve the cultural centers -- such as museums, scientific institutions, galleries of paintings, and so forth -- from annihilation or possible destruction by the German soldiers, in order that all these treasures should be taken out to Germany later.'"

Here I skip a few lines, and then:

"On the 5th of August, 1941, in the evening, in the presence of Meshipnow, Lieben, Krolling, Ratterson, and others, von Kuensberg stated orally an order of Ribbentrop regarding two towns in Russia, specifically old scientific institutions, libraries, and palaces, to look at the archives and to take out everything that has any definite value."

Did you find that in the document?

A. Yes.

Q. I should like you to reply to the following question of mine. You know that such a battalion existed in the Ministry of Foreign Affairs, and that,

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in accordance with your directives, it was especially occupied -- as is stated in this document -- in the preservation of cultural treasures. I should like you to reply to this question.

A. It is quite incorrect, the way it is put in this document. I can't recognize it, and I have to object to it. What is correct is the following:

This von Kuensberg is a man who, together with a small staff, had been appointed long before the campaign so as to collect important documents in France which could have been of interest to us, and confiscate them.

At the same time, I would like to say that he had orders to see to it that no unnecessary destruction of objects of art should take place. Any order to have these things transported to Germany, or to rob, he certainly did not have from me under any circumstances. I don't know just how this statement came about, but under no circumstances is it correct.

Q. Well, you are against many of the documents which have been submitted here. This doesn't mean that the document isn't correct, but I am not going to quote this document further.

I shall now refer to a document which is a letter of the defendant Goering to the defendant Rosenberg. It has already been submitted to the Tribunal under number PS-85. I shall quote here paragraph 2 of the document. It has already been submitted, so I will just read it into the record. This letter was addressed, by Goering, to Rosenberg. He said there:

"After lengthy search, I very much welcomed it when finally a place was selected for the collection. I must state also, however, that other instances were referred to in directives of the Fuehrer. For instance, first of all, there is reference to the Reich Minister of Foreign Affairs, who directed, several months ago, a circular to all the organizations where, amongst other things, he stated that full powers were given to him for the preservation of art treasures and cultural treasures in the occupied territories."

We think that the Defendant Goering knew exactly the circumstances regarding this. Do you recall this letter exactly?

A. I don't know how this letter from Reichsmarshal Goering came about, but if any authorities are mentioned in it, then this could only concern the fact

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that these art treasures were secured in these territories. We in the Foreign Office, as I have stated here, did not appropriate any art treasures for our department or my person. It is possible

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that these art treasures were secured temporarily, but none of them became our property. Therefore, it can only be a misunderstanding in this letter because as I remember exactly, this concerned the securing of these art treasures. In France, for instance, the situation had arisen where flats and museums were robbed, and I even remember that I asked the armed forces to furnish guards so that these art treasures could be watched. At any rate, we in the foreign Office, for ourselves, never saw any of them.

Q I think we had better not go too deeply into the details of this questi I should like here to put another question in this connection. Do you think that under the term "the preservation of art treasures" was meant, in reality the pillaging of art treasures of the occupied territories?

A We certainly never intended that, and I have never given any such orders to anybody, I should like to state that empatically.

Perhaps I may even add that when I heard that this man Kuensberg had so many men on his staff, I gave him an order immediately that his whole staff--which wasn't a battalion, as was said here--should be dissolved immediatly. and I even think I sacked him from the Foreign Office, I remember, because he didn't do what I told him to. I think he was suspended from duty.

Q Very well.

Now, you were Minister of Foreign Affairs of Facist Germany from the 4th of February 1938 on. Your arrival to this post came in the period in the beginning, when Hitler undertook a series of acts of Foreign policy which finally led to the world war. There arises the question of why Hitler appointed you as Minister of Foreign Affairs just before the realization of a wide program of aggression. Don't you think that he thought you were the most suitable man for this post, with whom he could have no differences on any of the important questions?

A I can't tell you anything about Adolp Hitler's thoughts He didn't tell me about them. He knew that I was a faithfull servant of his, and he knew that I had the view that a strong Germany was necessary. He also knew that I wanted to carry through, through diplomatic and peaceful channels. What other intentions the Fuehrer may have had, or what ideas he may have had, that I don't know.

Q Here is the last question. How can you explain the fact that even now, when before you in all its forms has developed the picture of the bloody crimes

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of the Hitler regime, when you took full cognizance of it and understood the Hitlerite policy which led you to the defendant's bench-- how is it possible to explain that you still think that this regime was right, and you furthermore state that the leading criminal clique was, in reality, only a group of idealists? How can you explain that to us?

THE PRESIDENT: That seems to be a number of questions in one, and I don't think it is a proper question to put to the witness.

GENERAL RUDENKO: I thought that this was only one question.

BY GENERAL RUDENKO:

Q Will you answer please, defendant von Ribbentrop?

THE PRESIDENT: I told you, General Rudenko, that the Tribunal does not think it a proper question to put.

GENERAL RUDENKO: I have no further questions.

THE PRESIDENT: Dr Horn, do you want to re-examine?

Dr. HORN: I have no further questions to put to the witness, Mr,President.

THE PRESIDENT: Then the defendant can return to his seat in the dock.

THE PRESIDENT: Now, Dr, Horn, I understand that you are going to deal with your documents, are you not?

DR. HORN: Yes.

THE PRESIDENT: I see the time; we might perhaps adjourn for ten minutes now

(A recess was taken).

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MR BARRINGTON: I will pass on to the second group, which are numbers 48 to 62 inclusive, and those are all on the subject of allied rearmament and alleged warlike intentions before the outbreak of war. No. 54 appears to be missing from my book, and I don't know whether it was intentionally left out.

The Prosecution would object to all those on the ground that they are irrelevant. They are in Book 3, my Lord.

THE PRESIDENT: Fifty-nine is different, isn't it? Fifty-nine is dealing with the speech by Sir Malcolm MacDonald about the colonies.

MR. BARRINGTON: Yes. That is not exactly rearmament, but of course it is on the same theme in a way, that it is a provocation to war. It is certainly in rather a different category from the others.

THE PRESIDENT: Yes.

MR. BARRINGTON: The third group deals with Poland, and that is a very large group because it includes all the negotiations before theoutbreak of the war, and the numbers involved in that group are 74 to 214.

I think it would perhaps be convenient to break that group down into two phases. The first one would be the questions of the minorities and Danzig and the Corridor, and the incidents connected with them, and the second phase--slightly overlapping in time, but roughly it follows after the other one-- would be the diplomatic events involving other countries than Poland, that is to say, very approximately from the 15th of March 1939 onwards. The first phase of that group would be numbers 74 to 181, and the second phase 182 to 214.

Now, in regard to the first phase, there are two points. The Prosecution says that these are, with very few exceptions, irrelevant because they treat of incidents, and the problems arising out of theseminority questions, and the Prosecution says those are irrelevant for two reasons. One of the documents among them consists of an exchange of notes between the German and Polish governments on the 28th of April 1939. That is TC-72, No. 14, in Book 5. That exchange of notes consists of a confirmation that both parties unconditionally renounce the use of force on the basis of the Kellogg Pact. That had been done previously on the 26th of January 1934, as appears in another document here. It is on page 2 of my note, TC-21.

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THE PRESIDENT: What was the date of TC-72.

MR. BARRINGTON: TC-72 No. 14 was the 28th of April 1939.

THE PRESIDENT: Yes.

MR. BARRINGTON: And on the footing that the two countries unconditionally renounced the use of force on the basis of the Kellogg Pact, added to the fact that the defendant Ribbentrop has himself said that during 1938 Germany was on very good terms with Poland, and that also there was a declaration made by Germany and Poland on the 5th of November 1937 about minorities--that is No. 123 in this list of document; it occurs at the top of page 4 in the notes--in view of those things, the Prosecution says that accounts and reports of these incidents and minority problems are irrelevant and very old history.

I think perhaps I would like a bit --

THE TRIBUNAL (Mr. Biddle) (Interposing): You have them all cumulative starting with 76. Well, I am afraid I must say, Your Honor, this was originally got out purely as a working note, and that is rather an error. It should be irrelevant on account of TC-21.

THE PRESIDENT: Yes.

MR. BARRINGTON: My Lord, I was going to say that perhaps I might anticipate an objection that Dr. Horn has been good enough to tell me that he will make to this, that yesterday he contended that certain incidents before Munich had been condoned by the Munich Agreement, and that the argument I have just put up is on the same lines as that which the Tribunal turned down yesterday.

But of course there is this difference, that the Munich agreement was negotiated in ignorance of the Fall Gruen, and that from the point of view of condoning previous incidents, it is not on the same footing as an agreement negotiated in full knowledge of the circumstances.

So, My Lord, taking Group 3, Poland and the first phase of it, the Prosecution would suggest, looking at the middle column on page 2, allowing No. 75, which is the Polish Treaty of 1919, and TC-21, which I have already mentioned, which reaffirmed the Kellogg Pact, and No. 123, and TC-72, No. 14 & 16 which I have already mentioned. The remainder, perhaps, might all be said to be irrelevant, but it would be reasonable, perhaps, to allow Nos.

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117, 149, 150, 153, 154, 159, 160, 163, and TC-72, No. 18. Those were largely discussions between ambassadors and heads of state which may have rather more importance than the other documents in this particular group.

As a matter of fact, My Lord, I think that all those that I have just mentioned are in.

THE PRESIDENT: Yes. That leads them up to 182.

MR. BARRINGTON: That goes up to 182. Starting now at 182, and the first five, 182 to 186 --

THE PRESIDENT: (Interposing): Why do you object to 155 which is the calling out of Polish reserves, 155 to 158?

MR. BARRINGTON: Well, my Lord, the objection to that was simply based on the fact that --

THE PRESIDENT: (Interposing) I think they are all mentioned in the conversation which is 159, and that is probably the reason.

MR. BARRINGTON: Yes. I am obliged, Your Lordship. I think that it is so, but I don't think the objection to them could be very strong.

THE PRESIDENT: No.

MR. BARRINGTON: Nos. 182 to 186, My Lord, are reports by the German charge d'affairs in various capitals, and the Prosecution say that those would not be proper evidence.

THE TRIBUNAL (Mr. Biddle): Why not?

MR. BARRINGTON: Well, they are just accounts of the German charge d'affairs observations, and conclusions of fact, for the most part, by him, transmitted to his foreign office.

MR. BIDDLE: Do you mean they are irrelevant on the ground of hearsay?

MR. BARRINGTON: I beg your pardon.

MR. BIDDLE: Because they are hearsay they shouldn't be admitted, is that what you mean?

MR. BARRINGTON: Well, they are, of course, partly hearsay. They are also vague, and again, they are transmitted with an object in view. At least that has been the submission of the Prosecution, that they are transmitted to color the picture from the German point of view.

MR. BIDDLE: Would you admit these if they were made by charge d'affairs of other states.

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MR. BIDDLE:: Yes.

MR. BARRINGTON: Well, it would be different if they were put in as government reports under the charter, but they are not really admissible if they are German documents.

MR. BIDDLE: I am sorry; I don't know what you mean.

MR. BARRINGTON: Well, Article 21 of the Charter --

MR. BIDDLE: I'm sorry. Perhaps I don't make myself clear. I don't quite understand why these are different from any other official reports made by charge d'affairs of any country. Is it because they are German reports ?

MR. BARRINGTON: Because they are German reports.

MR. BIDDLE: Oh, I see. In other words, you think German reports should be excluded.

MR. BARRINGTON: I think under the Charter they should be excluded except, of course, if they are used by the Prosecution as admissions against the German Government itself.

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THE PRESIDENT: The Tribunal wish me to announce that the Tribunal will not sit on Good Friday or the Saturday afterwards nor on Easter Monday.

MR. BARRINGTON: May it please the Tribunal, I am speaking for all the four prosecutors, to put the prosecution's comments on the document books which the defendant Ribbentrop has put in. I am speaking for all the four prosecutors, with one exception, that the French Chief Prosecutor wishes to speak on two particular groups of documents which are of especial interest to the French Delegation. I think, if it is convenient to the Tribunal, I might put the whole of the prosecution's position before Dr. Horn puts his answer if that is agreable to him.

THE PRESIDENT: Do you agree, Dr. Horn, that he might put his view first? Is it agreable to you that Mr. Barrington should put his position first?

DR. HORN: Yes, Mr. President.

MR. BARRINGTON: There are in all nine books in the English version and the last two have only been received today, so, as they contain perhaps about 350 documents, I regret that I have not been able to agree on the list with Dr. Horn himself, although I have acquainted him with the comments that the prosecution propose to make.

The first two books, comprising documents 1 to 44 have already been read in open court on the 27th of March by Dr. Horn, and I take it your Lordship doesn't want them gone into again.

THE PRESIDENT: No.

MR. BARRINGTON: So that simply leaves books 3 to 9, and I have made out a working note of which I have copies. I don't know whether the members of the Tribunal have them.

THE PRESIDENT: I think we have those copies.

MR. BARRINGTON: Oh, yes; your Lordship will see that on the left column of the document which the prosecution would object to, and in the middle column are those that they would allow, and there are remarks on the righthand side.

Although this doesn't show it, I have, for convenience, divided these documents up into nine groups and so I think I needn't go through all the documents in detail unless there is any particular question on anyone of them.

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Before saying what the groups are, perhaps I might make two general remarks, that the prosecution takes the position that the German White Books which figure very largely in this list, White Books issued by the government of the Nazi conspirators, cannot be regarded as evidence of facts stated therein; and secondly, that there are amongst these documents, a considerable number which are only discussions of subjects in a very vague and tentative stage and a great many of them, in the prosecution's view, are cumulative.

Now, of the first of the nine groups, I have broken them down to Czechoslovakia and if you will look at the note that I have handed up, that consists of the first few documents down to 45 -- I beg your Lordship's pardon. That is wrong. From after 45, there are six PS documents which are already exhibits and there are 46 and 47 and over the page there are 7 more on Czechoslovakia, and the prosecution's position on those is that the six PS documents are allowed and 46 and 47 and over the page 66, 67, and 69 are objected to purely on the ground that they are cumulative-- No, cumulative, I think, of number 68.

THE PRESIDENT: Which volume are they in, 66 and 69?

MR. BARRINGTON: In volume 3, my Lord.

THE PRESIDENT: As they have already been translated does it make much difference if there are objections that they are cumulative?

MR. BARRINGTON: There isn't any difference, my Lord, except if they are going to be read into the record.

THE PRESIDENT: They have all been translated?

MR. BARRINGTON: They have all been translated.

THE PRESIDENT: And in the other languages, too?

MR. BARRINGTON: I understand, my Lord.

THE PRESIDENT: So they need not be read into the record.

MR. BARRINGTON: If your Lordship pleases.

THE PRESIDENT: That is the rule, isn't it, that if they have been translated into the four languages, they need not be read into the record.

MR. BARRINGTON: That would apply to all the documents in all these nine books now because they all have been translated.

THE PRESIDENT: Yes, it would, but there may be other objections to the

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documents besides their being cumulative.

MR. BARRINGTON: They will be, according to the prosecution's submission, a very large number are cumulative in toto.

THE PRESIDENT: There will be a very large number?

MR. BARRINGTON; Yes.

THE PRESIDENT: Yes, but the point was that being translated, they are there already.

MR. BARRINGTON: Yes, my Lord.

THE PRESIDENT: Very well.

MR. BARRINGTON: That is the only point the prosecution has against those. The thing is, my Lord, the prosecution say they are cumulative. Of course, Dr. Horn might not think so and perhaps he would welcome a ruling as to whether or not they should be used.

THE PRESIDENT: No. What I was suggesting to you was, that if the only objection to them was that they were cumulative, they may just as well go in, be put into evidence, because they have already been translated--it saves time--than to have them all argued.

MR. BARRINGTON: Yes, my Lord, unless Dr. Horn prefers to read any of these documents and refer to them specifically.

THE PRESIDENT: Well, you mean that he might read them all and then --

MR. BARRINGTON: I don't know what your Lordship is going to allow him to do. I understood perhaps he was going to read some of them.

THE PRESIDENT: Presumably, if he reads many that are cumulative, we shall stop him.

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THE PRESIDENT: We are going to hear you in a moment, Dr. Horn.

Anyhow, Mr. Barrington, your objection to 182 to 214 is that it is self-serving evidence and therefore not admissible; is that it?

MR. BARRINGTON: That is right, My Lord.

THE PRESIDENT: Is there any objection to them?

MR. BARRINGTON: Well, they are, as I said, conclusions of fact drawn by an observer in a foreign country. They do rather tend to get rather vague.

THE PRESIDENT: That might apply to a great deal of the evidence.

MR. BARRINGTON: Numbers 187 to 192 and TC 77 there is no objection to.

Number 193 and 194 are German Foreign Office memoranda and they are mere conclusions, internal to the German Foreign Office. 193 is a memorandum of the State Secretary of the Foreign Office. It deals with a visit to him of the French Ambassador. And Number 193 is similar, a visit of a British Ambassador.

One hundred and ninety-five is Sir Nevile Henderson's "White Paper", "Failure of a Mission", and there are a number of extracts from that. It is a book, and there are a number of extracts from that in the document book, and it is contended that they are cumulative of evidence which has already been given, and that in particular the most of them is really provocative. That applies particularly to the first extract.

THE PRESIDENT: What do you mean by provocative?

MR. BARRINGTON: Well, your Lordship will see that in the first extract there are some rather strongly worded opinions.

THE PRESIDENT: Which book are they in?

MR. BARRINGTON: They are in Book Six, My Lord. There are some rather strongly worded opinions about the position of Soviet Russia.

THE PRESIDENT: Yes, go on.

MR. BARRINGTON: One hundred and ninety six and 197 are German memoranda and reports for Foreign Office use, and they cover the same category as 193 and 194. One of them is internal to the Foreign Office and the other from the German Charge d'Affaires in Washington.

Numbers 198 to 203 are all right.

Number 204 is objected to as not being evidence; it is a memorandum of

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the Director of the Political Department of the Foreign Office in Berlin, and it merely talks of a report in the "Berliner Boersenzeitung." It is merely secondhand evidence.

Number 205 and 206 are not objected to.

The next one, TC-72-74 is not objected to.

Number 207 is the same document as the previous one. It is a mere repetition.

Now, Number 208, my Lord, consists of a collection of extracts from the British "Blue Book", and I am afraid I haven't had time to check up which of them are actually in evidence already. For instance, it is clear that the majority of them are obviously relevant, but it is suggested that those in the left-hand column do include unnecessary detail in view of the rest of them.

Number 209 there is no objection.

Number 210 is a conversation between the defendant Ribbentrop and Sir Nevile Henderson on the 30th of August 1939, and that of course has been the subject of evidence already and is perhaps in any event cumulative for that reason.

Number 211-A and 211-B are just repetitions of documents quoted from the British "Blue Book."

Number 212 is a British wireless broadcast, and number 213 is a German communique to the German public, and it is contended that those have no evidential value.

Number 214 is an extract from a book which the Tribunal has already refused to the defendants.

Now, the next page of the note, My Lord, deals with my next group, which is Norway and Denmark.

THE PRESIDENT: Group four, is it? Group Four, is that right?

MR. BARRINGTON: Group four, My Lord, yes.

215-A and 215-B deal with the case of Iceland and Greenland. They are not very long documents; they are just considered to be irrelevant. Objection to them couldn't be very strong.

There is no objection to 216-A and 216-B, which are already in evidence, I think; and D-629 is already in evidence.

D-217 is simply an interview which the defendant Ribbentrop gave to the press, which the prosecution says is not proper evidence.

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Number 004-PS is already in evidence.

Numbers 218 and 219, I think, are also in evidence.

Number 220 again is objected to as it is simply an interview with the press.

THE PRESIDENT: Why do you object to those two Ribbentrop communiques to the press?

MR. BARRINGTON: It is self-creating evidence, My Lord. He has presumably given that evidence already.

THE PRESIDENT: He hadn't given it at the same time. What he said six years ago might be relevant.

MR. BARRINGTON: Well, if My Lordship thinks so; but the point I was quoting is simply that it is self-created evidence and created at the time with a view to create an impression. It is propaganda.

THE PRESIDENT: You may say that, yes.

MR. BARRINGTON: Then, My Lord, the next group is the Low Countries. That group really began at 218, of course, and it goes on to two huhdred and forty--

THE PRESIDENT: Is this another group?

MR. BARRINGTON: This is the fifth group, My Lord, yes. That goes on from 218 to 245, and I won't deal in detail with it because the French chief prosecutor is going to speak about that. And the same with the next group, number six, which is the Balkans. The French chief prosecutor will deal with that, documents 246 to 278.

The next group, number seven, is Russia, and that is document 290 to 295. With the exception, I think, of 285, and which seems to have gotten there by mistake -- it appears to refer to the United States.

Two hundred and seventy-nine I can't identify from the English translation; what it is at all. Perhaps Your Lordship will be good enough to make an amendment against numbers 282 and 283; they should be put into the middle column, there being no objection to them. But there is an objection to all the other Russian documents. My Lordship will see, beginning at the bottom of the group, 291 to 295, they all concern the Anti-Comintern Pact.

Working up the page again from the bottom, 290/1/5 are extracts from the

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book which the Tribunal has already refused.

And of the documents above that, 280 is Hitler's speech about Russia in October 1939.

And 281 is a repetition of a document we have already had, 274, which is the Three-Power Pact. That will be dealt with.

THE PRESIDENT: You mean that that is a textual reproduction?

MR. BARRINGTON: I think I am right that it is a textual reproduction.

THE TRIBUNAL (Mr. Biddle): But why is there an objection if it is a reproduction of a textual reproduction?

MR. BARRINGTON: There is no objection at all.

MR. BIDDLE: You mean it is not in the right column?

MR. BARRINGTON: I was putting in the Allied column only the ones which would make up a complete set according to the prosecution's views.

MR. BIDDLE: Is that true of 284 also, the Soviet-German pact?

MR. BARRINGTON: I don't know whether that has come before--

MR. BIDDLE: Why do you object to that then?

THE PRESIDENT: By "Pact," is it the German Pact of the 28th of September 1939?

MR. BARRINGTON: This is the 28th of September 1939, My Lord.

. . . . . .

MR. BARRINGTON: I am told that there is no objection to that.

Two hundred and eighty-five is again simply a German report which draws conclusions of fact, and the prosecution say that has no proper evidential value. It is a very long report by the German Foreign Office concerning the agitation in Europe against the German Reich by the Soviet Union, and it is full of conclusions of fact and opinions.

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book which the Tribunal has already refused.

And of the documents above that, 280 is Hitler's speech about Russia in October 1939.

And 281 is a repetition of a document we have already had, 274, which is the Three-Power Pact. That will be dealt with.

THE PRESIDENT: You mean that that is a textual reproduction?

MR. BARRINGTON: I think I am right that it is a textual reproduction.

THE TRIBUNAL (Mr. Biddle): But why is there an objection if it is a reproduction of a textual reproduction?

MR. BARRINGTON: There is no objection at all.

MR. BIDDLE: You mean it is not in the right column?

MR. BARRINGTON: I was putting in the Allied column only the ones which would make up a complete set according to the prosecution's views.

MR. BIDDLE: Is that true of 284 also, the Soviet-German pact?

MR. BARRINGTON: I don't know whether that has come before--

MR. BIDDLE: Why do you object to that then?

THE PRESIDENT: By "Pact," is it the German Pact of the 28th of September 1939?

MR. BARRINGTON: This is the 28th of September 1939, My Lord.

. . . . . .

MR. BARRINGTON: I am told that there is no objection to that.

Two hundred and eighty-five is again simply a German report which draws conclusions of fact, and the prosecution say that has no proper evidential value. It is a very long report by the German Foreign Office concerning the agitation in Europe against the German Reich by the Soviet Union, and it is full of conclusions of fact and opinions.

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THE PRESIDENT: It is after the date of the beginning of war against Russia.

MR. BARRINGTON: Yes, it is after the beginning of that war, My Lord.

No. 286 and 287, those are objected to as being without value as evidence. They come from the Voelkischer Beobachter.

No. 288 is said to be a captured Soviet document, but that is generally in the English version, has no date and no signature, and it seems of very doubtful value.

No. 289 is a report from the Yugoslav military attache in Moscow, which is also thought to be irrelevant by the Prosecution.

Then group No. 8, My Lordm is the group concerning the United States of America, documents 299 to 310, and including 285-A. The first ten documents, My Lordship will see, are reports from--we would say they come from a very indirect source, the process report by the Polish ambassador on the political situation of the United States in 1939. The next one seems to come from Portugal, and the next from the Polish ambassador again, the next two also from the Polish ambassador. Then the next one, No. 300, is President Roosevelt's guarantee speech in 1937, which seems too far back to be of any proper relevance. No. 301 is a German summary of events in the United States, which we say is irrelevant for the reason I have stated, that they are German summaries--rather more unreliable than irrelevant. No. 302 again is the Polish ambassador's report. No. 303 is a statement by President Roosevelt in 1936. No. 304 is President Roosevelt's motion to Congress on the 4th of January, 1939. I do not think there is anything very objectionable about that. There is no objection to Nos. 305 to 308. In my copy there are two different versions of No. 309. The first one is a German summary of facts without any dates and with no sources indicated. It seems to be of no proper value as evidence. The second one, 309 and 309-A, are declarations of the Pan-American conference and the German note in reply to it. I do not think the Prosecution can take a very strong objection to that, but it does not seem to be very closely in point.

TC-72, No. 127, and TC-72, No. 124, are both appeals of President Roosevelt to Hitler and are not objected to.

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No. 310 is another German summary of facts without any sources indicated.

The ninth group is simply a miscellaneous group and, if My Lordship will turn back to the first page of my notes, it is the first eight documents on that page, down to No. 45. They are all allowed. There is no objection to them, except No. 12, which is the announcement of the Reichstag election results. It does not matter one way or the other whether that is in.

No. 45 is Lord Wallace's book "Warnings and Prophecies" of predictions and prophecies, I think which the Prosecution contends is not relevant evidence in this case.

The next lot of miscellaneous ones is on page 2, Nos. 70 to 73. No. 71 is the German-Lithuanian treaty about Memel, and there is no objection. No. 70 is thought to be rather irrelevant. No. 72 and 73 are objected to because they deal with the Fourteen Points of President Wilson.

The next lot of miscellaneous ones is on the last page, one of my notes right at the bottom, No. 296. That is a speech by Hitler on the Rhineland. You have all the evidence that has been given. It appears to be rather cumulative, if it is not in already. I have not actually checked whether it is in.

No. 298, on the top of the next page, is, in fact, superfluous. It is the same as No. 274. Down at the bottom of the last page, My Lord, 311, is a paper written by the defendant Ribbentrop on the Fuehrer's personality.

THE PRESIDENT: That has already been ruled out.

MR. BARRINGTON: That, I think, has been ruled out by My Lordship. No. 312 is an affidavit of Frau von Ribbentrop. No. 313 is an affidavit of Dr. Gottfriedsen. I understand from Dr. Horn that, although he had been allowed Dr. Gottfriedsen as a witness, he thinks it will save time if he read the affidavit or a part of it. Perhaps, if Your Lordship will allow the Prosecution to make what comments they think fit when he comes to do that, it would be the best way of treating it.

Those are all my points, My Lord. There are just the low countries in the Balkans.

MR. DODD: May it please the Tribunal, Mr. Barrington has spoken for all of us, and I do not intend to go over any of these documents, except, that because I fear there is some question in the minds of the members of the

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Tribunal about our objection to documents running from 76 through 116, 118 to 122, and 114 to 148, the Polish documents, we also say, of course, with Mr. Barrington that they are cumulative, but it seems to me there is a much more basic objection. They all have to do with the alleged incidents inside of Poland and they were published in these White Papers. These incidents involved the mistreatment of Polish citizens inside Poland, who were perhaps of German extraction. Well, it is our view that such documents are irrelevant here because it has no defense at all to the charges, and we cannot permit, we say, a nation to defend itself or these defendants to defend themselves on charges such as have been preferred here by proving that citizens of another state, although they may have been of German extraction or of any other extraction, were mistreated inside that state. These are beginning with 76, running through to 116; 118 through 122; 114 through 148; and 151 through 152. It is 124 through 148, rather than 114 through 148. The last one is 151 and 152.

M. CHAMPETIER DE RIBES: I will ask the Tribunal's permission to make two short reports on documents which are part of the fifth and sixth group, and which concern documents which are exclusively French and which have been taken from the German White Book. It is only in this way that the French Prosecution have taken cognizance of them contrary to what the Tribunal believes. The French Prosecution has not yet received a translation of the documents submitted by Dr. Horn. The first group, documents Nos. 221 to 245, are military documents, which Dr. Horn, it seems wishes to draw conclusions from to the effect that England and France violated the neutrality of Belgium. If we ask the Tribunal to reject the twentyfive documents, it is exclusively because we see the possibility of the Tribunal's using its time uselessly in discussion. We do not wish to present discussion, but we feel that it would be found that France and Belgium both scrupulously respected the pact which they had, that is to say, to respect the neutrality of Belgium; and, secondly, to respect the pact in which they had to guarantee the neutrality of Belgium.

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What has been discussed here was only to find out whether it was Germany or France or England that violated the neutrality of Belgium. Well, this matter has been asked of the accused, Ribbentrop, by his Counsel, and the accused has answered in the clearest manner possible -- at Saturday's session -- which the Tribunal certainly will remember. Ribbentrop stated that it is quite clear that "it is always very difficult in such a war to violate the neutrality of a country and one does not believe that there are things which we did lightheartedly."

This is formal admission that Germany violated the neutrality of Belgium, wherefore there is absolutely no reason for us now to discuss the matter of these twenty-five documents and whether they are pertinent.

Now, I come to the second group, Group No.6, General Staff Documents, which Germany pretends to have seized, and these concern events in the Balkans in 1939 and 1940. The French Prosecution asks you to reject the twenty-two documents submitted by Dr. Horn for the following two reasons;

That they have absolutely no character of authenticity; secondly, that they are not relevant; their authenticity -- as they are all extracted from the White Book, and the Tribunal knows the point of view of the Prosecution on this point. Moreover, a great number of these documents are documents which are represented to have come from Allied General Staffs. The individuals are not submitted. It is not said where they came from, and not one of these is brought in evidence in full. They all concern plans studied by General Staffs in 1939 and early 1940, and these plans of French or British intervention in Yugoslavia or Greece supposed, of course, that the Governments of these countries would agree or the plans would never be put into effect.

Moreover, the Armistice of June, 1940, made it necessary for France, unfortunately, to abandon all such plans. The documents are of 1939 and of 1940, and the Tribunal will remember that the aggression against Yugoslavia and Greece occurred on April 6, 1941, at a time when the government of Hitler had no more reason to fear any plans of 1939.

These documents, which have no authenticity, are also in no way relevant to the present discussion, and that is why the French Prosecution asks the Tribunal to reject them.

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THE PRESIDENT: Now, Dr. Horn?

(Dr. Horn approached the lectern)

Dr. Horn, before you speak, the Tribunal thinks that possibly you may, in viewof the evidence given by the Defendant von Ribbentrop, find it feasible to withdraw some of these documents, in view of the time that has been taken up. The Defendant von Ribbentrop has dealt with the subject very fully and it may be, therefore, that you will be able to withdraw some of these documents in order to save time.

DR. HORN: Certainly, Mr. President, any documents which might be cumulative I willwithdraw. I want to do that.

THE PRESIDENT: If you let us know now what it is you wish to withdraw--

DR. HORN: Yes, Mr. President.

May I state my position as to a few basic questi ns? That is the probative value of reports by Embassies and in White Books. I would like to point out that these documents were decisive in forming a political opinion. That applies to von Ribbentrop as well as Hitler. And in addition, I would like to point out that the Prosecution in large scope has referred to similar reports, and I would ask for equal opportunity to the Defense in this connection.

Then I would like to add a few words as to the documents found on the French General Staff. These documents which were found in the City of La Charitié during the course of the French campaign. If the doubts and misgivings as expressed by the French Prosecution are shared by the High Tribunal, I ask that the Commander of Heeresgruppe C be summoned as a witness -- General Loeb -- to show that these documents were all found in the City of La Charitié.

The Polish documents to which I have referred were found at Warsaw in the Polish Foreign Ministry, and as to that, the then Commander-in-Chief, Colonel General Blaskowitz, can testify. And in this case I would wish to summon Blaskowitz as a witness, if the Tribunal has any doubts or misgivings in this connection.

It seems to be the opinion of the Defense that documents can be objected to only if incorrectness of the documents is shown by their contents, or if it

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can be proved that the documents were forged. All other documents such as White Book reports or Ambassadors' reports, I ask that the Tribunal at least admit them as evidence.

As far as the documents on Polish minorities is concerned, I would like to point out that the Prime Minister Chamberlain himself considered the minority question as the decisive question between Germany and Poland, and this problem was equally as important as Danzig and The Corridor, and this question is therefore a reason for war.

So I ask that the documents concerning this, which show violation in the treatment of minorities -- violations on the part of Poland -- be admitted in evidence.

If the High Tribunal is agreed, I should like to begin to submit for judicial notice those documents and to quote certain vital phrases. And I would like to tell the Tribunal which documents and which parts I will dispense with.

DR. DIX (Counsel for the Defendant Schacht): I should be very grateful to the High Tribunal, aside from Ribbentrop's own case, as a basic principle, and not only from the point of view of the Defense, but purely objectively and basically, if I should be permitted to point out and take a position on the various questions which the High Tribunal must decide, whether it be a question of testimony of a witness or perhaps the matter of documentary evidence

I beg to submit this request, not because I am interested in formulating a request but I believe that we can abbreviate future discussions and debates in this manner. For I believe the High Tribunal will agree with me that the Defense will be saved lengthy speeches later on. Of course, I leave it up to the High Tribunal whether they consider this theproper time or whether I shall wait until my colleague, Dr. Horn, has completed the submission of documents. However, I would like to say this before the High Tribunal rules on the requests of the Prosecution and of Dr. Horn's: I would like to put the following question to the High Tribunal, whether it is agreeable to the High Tribunal that I briefly take a position on the questions, which in my opinion are rather important, before decision and ruling by the High Tribunal. May I do so?

THE PRESIDENT: Yes.

DR. DIX: I believe, without judging the legal basis of the exposition

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made here, and without judging them as to their legal worth, that certain fundamental concepts have been confused and presented.

We must differentiate sharply and distinctly -- first of all, is a piece of evidence -- and that applies to witnesses as well as documents -- relevant? Point 2, is a piece of evidence as such, effective, and does it have value? Point 3, is a piece of evidence cumulative and therefore is it to be rejected on that count?

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If the High Tribunal rules not relevant, not effective or perhaps cumulative, then the request for evidencemust be turned down at this stage in the proceedings. If, however, the question of the credibility of a piece of evidence is concerned--that is the question of whether the answer of a witness can be believed or not or the question of whether the content of a document is to be considered creditable, as for instance, whether expositions set forth in a White Book are to be believed or not to be believed--that, in my opinion is a question which can be decided only when the piece of evidence at issue has been submitted and taken into the proceedings.

Therefore, it seems to me that at the present moment there seems to be no cause to say that this document is not to be used for it is a part of a document book of the German government. That a White Book, an official publication of any government, can be relevant nobody will doubt. Whether the passage that is read is of such value that the High Tribunal can give it credence, that is a question that will have to be decided after the piece of evidence has been submitted and after the piece of evidence has been admitted and the Tribunal has taken official notice of it.

Now, I turn again to the question of the relevancy and effectiveness, and the British Prosecutor has stated that reports of the German ambassadors to their Foreign Minister are, per se, not effective and should not be used. At least, that is the way I understood him. Only if the Prosecution wishes to use them can they be admitted; only if the Prosecutor wishes to use them can they be considered relevant.

I believe that this point of view cannot be maintained and cannot be defended. The member of the British Prosecution cited Article 21 of the Charter, but Article 21 of the Charter does not concern this question. Artic 21 of the Charter says only, so far as I have it in memory and I believe I do know the contents of it, says only that the investigation of the Victory powers, that crimes against war which were committed in their own countries do not have to be enumerated but merely to submit them forjudicial notice, but this question has nothing to do with the question of relevancy. The quest of a report by a German ambassador to his Foreign Office does not concern this problem. Whether this report is to be admitted can be decided by whether what

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it is to prove will be considered relevant by the Tribunal. If the things which are to be proved are considered relevant by the High Tribunal and a basis is given, then this report should be admitted, and after its admission the High Tribunal can decide on the creditability. Therefore, a clear differentiation between relevancy, effectiveness and usefulness of evidence is to be considered, and whether objective or subjective creditability is to be given.

Now, as to the question of the cumulative problme. All jurists must be agreed that cumulative pieces of evidence should not be admitted. Whether a piece of evidence is cumulative should not be treated mechanically or formally. I can very well picture a question which seems to be verbatim to a question already put, not for those reasons which I will enumerate in just a minute, and that one question may be similar to another and may not be cumulative at the same time, for the witness gave the same piece of evidence but only used different words. That a question which has been previously put and may be like it in words but does not necessarily have to be cumulative is proved by the old proverb "Si non facium idem non est idem." If, for instance, I question a witness who was a fanatical adherent of the Nazi regime and then put the same question to a witness who was a fanatical anti-Nazi, then these two questions are certainly not cumulative. Therefore one has to consider the witness to judge whether a question is cumulative.

A further example of a question which is exactly similar to one which has previously been put but which need not be cumulative is that if I put the question to the defendant and then I put it to a witness who is concerned. I am not concerned with the testimony, and I do not wish to make derogatory remarks about statements being made under oath by a witness; basically, testimony of the witness is alike, but there is a great difference

I would like to conclude so that theoretical expositions will not have to take up the time of the High Tribunal for too long, but my purpose was only to request the High Tribunal in its decision--first of all, relevancy; second, usability--to differentiate as to the inner value which is to be decided upon after such evidence has been admitted, and, as far as the cumulative value is concerned, not to be guided by the outward appearance of the document but to examine whether it would not be in the interest of

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truth and give a deeper insight to put the same question to different people, or to put the same question and to have it confirmed through documents put down by different people.

I have a somewhat bad conscience about this rather academic exposition, but I tried to clarify the picture, and I hope that I have partially succeeded, so that we can abbreviate future debates on this subject.

THE PRESIDENT: Dr. Horn, the Tribunal would like to know how long you are going to be over these documents, because we are getting further and further behind. I mean, how long do you anticipate that you will be? Have you made up your mind yet what documents you are prepared to withdraw, if any?

DR. HORN: Mr. President, I believe that I need two more hours, without objections on the part of the Prosecution, and I believe that I may read the most important parts of my documents, and I believe that I can conclude in about two hours--but, I repeat, without objections by the Prosecution; I would say two hours.

THE PRESIDENT: You have heard the Prosecution's objections. We have heard them. We will consider them, and we will consider any answer that you make to them, but we do not desire at this stage, when we have all these other defendants' cases to be heard, that you should go into these documents in detail now and read them, and we hope that you will not think it necessary to read from these documents after you have answered the objections of the Prosecution to certain of the documents.

DR. HORN: I have the intention--

THE PRESIDENT: Have you the idea that you have finished your argument in answer to the Prosecution's objections or not? Did you intend to deal further with the admissibility of any of these documents or not?

DR. HORN: I intended, as the Tribunal wished me to do the other day, to submit these documents and also, in each group where the Prosecution has objected, to make a few remarks at those points, but I had no further intentions, Your Honor.

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THE PRESIDENT: Dr. Horn, you see, the position is this. The prosecutio have objected to certain documents, on certain grounds, and we want to give you a full opportunity to answer those objections. When you have made your full answer to those objections, we think it will be appropriate that we should adjourn and decide upon those objections and upon your arguments. Do you see? That is, after you have given your answer to the objections, we should adjourn and decide which of the documents we rule to be admissible in evidence.

DR. HORN: If the High Tribunal intends to rule after I have taken my position on the objections of the prosecution, then I ask that I have this opportunity now, first of all --

THE PRESIDENT: Just a moment, Dr. Horn. You see, it is 5 o'clock, and we shan't be able to conclude it tonight.

Dr. Horn, if you could conclude your argument in answer to the questions of principle which have been raised by the prosecution now, we think it would be the most convenient course if you could do it in a fairly short time. I mean, you have heard what the prosecution say about these various groups, and it would be more convenient, we think, if you could answer that in the space of a quarter of an hour now.

DR. HORN: First of all, I would like to refer to documents numbered 48 to 61. As far as these documents are concerned, 48 to 61, I might use the sheets used by the prosecution.

THE PRESIDENT: Yes.

DR. HORN: Documents 48 to 61 were rejected for the reason that they were irrelevant, but these documents concern themselves with rearmament, or preparation for war, all on the opposite side. Only if I can present the German evidence in contradiction to the evidence of the other side can I present the motives which determined Hitler and Ribbentrop in basic questions. I cannot treat the violation of law of a matter if I do not show the complete picture, and for the complete picture we need the demeanor of the opposite side. Therefore, I consider these documents as highly relevant.

THE PRESIDENT: Yes.

DR. HORN: The next decisive group contains those documents which deal with the Polish minority problem. The prosecutor has said that through a German-Polish agreement of the 5th of November 1937, the minority problem was

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sactioned by both countries. That is, any violation of international law, so far as minorities were concerned, which had antedated this year, would be considered a closed chapter. However, that opinion is certainly not true, because one agreement cannot justify the violation of a prior agreement.

As far as these negotiations were concerned, dealing with the pact of 1934 between Germany and Poland, as I can prove with those documents, it was agreed that after a general political agreement, regulation or a settlement of the minority question was to take place, as well as the settlement of the Danzig and Corridor question.

These questions were to be expressly put to a further settlement by negotiation and agreement, and the documents which deal with the violation of international law and minorities cannot be rejected or turned down because of this agreement, because this agreement, as I wish to emphasize, foresaw another agreement for the solving of this question.

The second objection for this group consists of the fact that the minority problem was called irrelevant. Just a moment ago I stated that the British Prime Minister Chamberlain realized the need for the settlement of this problem. I will submit this document; it is document number 200 in my docume book. This question was considered necessary of solution by all politically concerned, and I ask that the document in question be admitted.

These documents cannot be rejected by the concept of being cumulative. These documents cannot, as has happened here, be called cumulative and refused since, on the strength of that document, I am proposing to prove that since 1919 the contract regarding minorities had been violated.

I submit documents from the International Tribunal of the Hague and the League of Nations at Geneva, showing that these violations took place during a period of over 20 years.

The objections against documents number 286 to 289, which have been raised by the Soviet Delegation, I accept, and I withdraw the documents 286 to 289.

Since the book "America in the Battle of the Continents" has been objected to by the Tribunal, I also withdraw document 290, 1 to 5. Apart from that, I have referred to that book under several numbers, and I also withdraw all those numbers which refer to the book "America in the Battle of the

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Continents".

Regarding the Embassy reports, I once more refer to my statement and the principal statement which has been made by my colleague, Dr. Dix, a few minutes ago. I am convinced that, principally speaking, and on the strength of the legal arguments raised -- and also because of the fact that the prosecution has made wide use of such reports -- the defense also should be granted the privilege of referring to such reports, particularly since these reports were the bases for the formation of opinions on the part of political German departments.

I should also not be able to forego the files of the French General Staf; It has been stated, under 221 to 268, that these documents are supposed to be irrelevant. They are not irrelevant, because we had pacts of neutrality with those countries, and in those pacts it had been agreed that Germany would respect any neutrality as long as the other party would also respect it. Since it would now be possible to prove that the other party did not respect this neutrality, the proof--

THE PRESIDENT: One of the points of M. Champetier de Ribes' argument was that France was out of the war by 1940. Therefore, documents which were drawn up by the French General Staff in 1940 had no relevance in 1941. Isn't that so? That is the point that he was making.

DR. HORN: You mean the Frehch Prosecutor?

THE PRESIDENT, Yes, the French Prosecutor.

DR. HORN: Yes. However, the fact that breaches of neutrality have been committed by France, which were known to the German Government at the time, that fact alters the legal situation completely. You can't say that Germany waged an aggressive war against these countries when, on the strength of news at our disposal, it was known that the opponents intended to, and did realize that, by sending staff officers out to occupy these countries. For that matter, violations on the part of the opponents occurred, and files which have been found prove the intelligence reports which we had.

Therefore, you cannot accuse Germany of a violation of the neutrality pact in this connection.

I would like to ask the Tribunal, therefore, to admit those files, for

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those reasons, as being relevant.

With reference to the other documents, may I ask to make my statement when I submit the documents to the Tribunal in the presentation of my case?

THE PRESIDENT: You see, Dr. Horn, we want to rule upon it when we have heard your arguments; we don't want to have to rule again over every document. We want you to take them in groups, in the way the prosecution did, so that we may make up our minds and rule.

DR. HORN: Yes. Well, these are the main objections which I have to make to the procedure adopted by the prosecution. May I ask the Tribunal once more to differentiate between the principal objections or considerations raised by Dr. Dix, and the factual considerations which I have raised with reference to the various groups?

THE PRESIDENT: Very well, and we will adjourn now.

(The Tribunal adjourned until 3 April 1946 at 1000 hours).